

*Repeal Section 27.20 of Title 14 of the California Code of Regulations:*

**§27.20. Duxbury Reef Reserve (Marin Co.).**

~~In the Duxbury Reef area in Marin County no fish except abalone, Dungeness crabs, rock crabs, rockfish, lingcod, cabezon, surfperch, halibut, flounder, sole, turbot, salmon, kelp greenling, striped bass, steelhead, monkeyface eel, wolf eel, smelt and silversides may be taken between the high tide mark and 1,000 feet beyond the low tide mark at any place on the coastline or any reef or rock situated between the westerly extension of the southerly boundary of the Pt. Reyes National Seashore and the southerly extension of the centerline of Kale Road in Bolinas Beach. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department issued pursuant to section 650 of these regulations.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200, 202, 205, 210 and 220, Fish and Game Code.

*Repeal Section 27.25 of Title 14 of the California Code of Regulations:*

**§27.25. Gerstle Cove Reserve (Sonoma Co.).**

~~No form of marine life may be taken within 600 feet of the high water line in the most northerly portion of Gerstle Cove, Sonoma Co., without a written permit from the department issued pursuant to section 650 of these regulations.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205, 210 and 220, Fish and Game Code.

*Repeal Section 27.30 of Title 14 of the California Code of Regulations:*

**§27.30. Point Reyes Headlands Reserve (Marin Co.).**

~~No form of marine life may be taken from the ocean area within 1,000 feet of the high tide mark in the Pt. Reyes Headlands bounded on the west by a line extending due west (true) from Pt. Reyes Lighthouse and on the east by a line extending due east (true) from Chimney Rock, without a written permit from the department issued pursuant to section 650 of these regulations.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 220, Fish and Game Code.

*Repeal Section 27.35 of Title 14 of the California Code of Regulations:*

**§27.35. Estero de Limantour Reserve (Marin Co.).**

~~No form of marine life may be taken below the high water mark in Estero de Limantour without a written permit from the department issued pursuant to section 650 of these regulations. Estero de Limantour includes all tideland waters to high water mark in an easterly direction from a line drawn due north (true) from the extreme westerly point of Limantour Spit issued pursuant to section 650 of these regulations.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.  
Reference: Sections 200-202, 203.1, 205-210 and 220, Fish and Game Code.

*Repeal Section 27.40 of Title 14 of the California Code of Regulations:*

**§27.40. Lover's Cove Reserve, Santa Catalina Island (Los Angeles Co.).**

~~No form of marine life may be taken in those waters adjacent to Catalina Island beginning at the most southeasterly corner of the Cabrillo Wharf (the wharf for ocean-going vessels on the seaward side of the peninsula), then extending a line seaward, perpendicular to the seaward face of the wharf, to a point approximately 100 yards from the mean tide line, then turning in a southeasterly direction and following the alignment of the mean tide line at a distance of 100 yards from the mean tide line continuing through Lover's Cove, around Abalone Point, and continuing to a point approximately 430 feet easterly of Abalone Point, commonly known as "Ring Rock," then returning to shore on a line perpendicular to the Pebbly Beach Road.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.  
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

*Repeal Section 27.42 of Title 14 of the California Code of Regulations:*

**§27.42. Pismo Invertebrate Reserve (San Luis Obispo Co.).**

~~No invertebrate may be taken between the high tide mark and 1,000 feet beyond the low tide mark in that portion of a beach commonly known as Pismo Ocean Beach lying between the Grand Avenue ramp and a point .3 mile north of the Grand Avenue ramp.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.  
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

*Repeal Section 27.45 of Title 14 of the California Code of Regulations:*

**§27.45. Point Cabrillo Reserve (Mendocino County).**

~~No form of marine life may be taken from the ocean area within 1,000 feet of the high tide mark in the vicinity of Point Cabrillo U.S. Coast Guard Lighthouse, bounded by lines extending due west (magnetic) 2,500 feet north and 1,600 south of the lighthouse.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 219 and 220, Fish and Game Code. Reference: Sections 200, 202, 205-210 and 220, Fish and Game Code.

*Repeal Section 27.50 of Title 14 of the California Code of Regulations:*

**§27.50. Point Loma Reserve (San Diego Co.).**

~~Between a point approximately 300 yards easterly from the Point Loma Light and a point approximately 1/2 mile northwesterly of the light, no plant or invertebrate marine life may be taken between the high tide mark and 150 feet beyond the mean lower low tide mark.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.  
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

*Repeal Section 27.51 of Title 14 of the California Code of Regulations:*

**§27.51. Robert W. Crown Reserve (Alameda Co.).**

~~No plant or invertebrate marine life may be taken between the high tide mark and 150 feet beyond the mean lower low tide mark in that portion of Robert W. Crown Memorial State Beach between the base of the jetty on the northwesterly corner of Crab Cove and a point approximately 2,800 feet southeasterly along the shoreline of Crab Cove opposite the bath house/restroom complex. Hook and line fishing is permitted in this area for fin fish only.~~

**NOTE**

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.  
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

*Amend section 29.05 of Title 14 of the California Code of Regulations to read:*

**§29.05. General.**

(a) Except as provided in this article there are no closed seasons, closed hours or minimum size limits for any invertebrate. The bag limit on all invertebrates for which the take is authorized and for which there is not a bag limit otherwise established in this article is 35. In San Francisco and San Pablo bays and saltwater tributaries east of the Golden Gate Bridge invertebrates may not be taken at night except from the shore.

(b) Take of all invertebrates is prohibited within state marine reserves. Take of certain invertebrates may be prohibited within state marine parks and state marine conservation areas as per subsection 632(b). In addition, tidal ~~Tidal~~ invertebrates may not be taken in any tidepool or other areas between the high tide mark (defined as Mean Higher High Tide) and 1,000 feet seaward and lateral to the low tide mark (defined as Mean Lower Low Water) except as follows:

~~(1) In state parks, state beaches, state recreation areas, state underwater parks, state reserves, national parks, national monuments or national seashores: Only abalones, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp and sea urchins may be taken. Worms may be taken except that no worms may be taken in any mussel bed, unless worms are taken incidental to the harvesting of mussels. Mussels may be taken in all areas except in state park system reserves or natural preserves.~~

~~(2)(1) In all other areas, except~~ Except where prohibited within marine life refuges state marine reserves, state marine parks, state marine conservation areas, or other special closures only the following may be taken: red abalone ~~Abalone~~, limpets, moon snails, turban snails, chiones, clams, cockles, mussels, rock scallops, native oysters, octopuses, squid, crabs, lobsters, shrimp, sand dollars, sea urchins and worms except that no worms may be taken in any mussel bed, unless taken incidental to the harvesting of mussels may be taken.

~~(3) Special Closure. No invertebrates shall be taken on the mainland shore within the boundaries of Ano Nuevo State Reserve between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30. Public access to Ano Nuevo State Reserve is subject to change and anglers are advised to contact the Reserve office (415) 879-0595 prior to fishing. No invertebrates may be taken between the high tide mark and 1000 feet beyond the low tide mark along the lee side of Santa Catalina Island between Lion Head Point and Arrow Point.~~

(c) Measuring Devices. Every person while taking invertebrates which have a size limit shall carry a device which is capable of accurately measuring the minimum legal size of the species taken.

(d) In all ocean waters skin and Self Contained Underwater Breathing Apparatus (SCUBA) SCUBA-divers may take invertebrates as provided in this article except that in all ocean waters north of Yankee Point (Monterey Co.), ~~self-contained underwater breathing apparatus (SCUBA)~~ SCUBA may be used only to take sea urchins, rock scallops and crabs of the genus Cancer. For the purpose of this section, breathing tubes (snorkels) are not SCUBA ~~underwater artificial breathing devices~~.

NOTE

Authority cited: Sections 200, 202 and 210, Fish and Game Code. Reference: Sections 200, 202, 205 and 210, Fish and Game Code.

*Amend section 29.40 of Title 14 of the California Code of Regulations to read:*

**§29.40. Pismo Clams.**

(a) Open season: May be taken in Santa Cruz and Monterey counties September 1 through April 30. In all other counties, ~~except in clam preserves and marine life refuges~~ state marine reserves or other marine protected areas which prohibit the take of clams (see Section 632), Pismo clams may be taken at any time of the year.

(b) Limit: Ten.

(c) Minimum size: Five inches in greatest shell diameter north of the boundary between San Luis Obispo and Monterey counties; four and one-half inches in greatest shell diameter south of the boundary, between San Luis Obispo and Monterey counties.

(d) Clam preserves: No clams shall be taken within ~~or offshore from San Luis Obispo County in~~ state marine reserves or other marine protected areas which prohibit the take of clams (see Section 632). ~~the following described Pismo clam-bearing beaches which are hereby established as clam preserves, and which are closed for the taking of clams:~~

(1) ~~All that portion of a beach commonly known as Pismo Ocean Beach lying between the San Luis Obispo-Santa Barbara county line and the mouth of Oso Flaco Creek--approximately 4.6 miles.~~

(2) ~~That portion of Atascadero Beach lying between Morro Rock and Azure Street--approximately 1.5 miles.~~

(3) ~~That portion of Morro Beach between Hazard Canyon and the southern tip of Morro Bay--approximately 1.9 miles. See Section 27.42.~~

NOTE

Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code. Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

*Amend section 30.00 of Title 14 of the California Code of Regulations to read:*

**§30.00. Kelp General.**

(a) Except as provided in this section and in Section 30.10 there is no closed season, closed hours or minimum size limit for any species of marine aquatic plant. The daily bag limit on all marine aquatic plants for which the take is authorized, except as provided in Section 28.60, is 10 pounds wet weight in the aggregate.

(b) Marine aquatic plants may not be cut or harvested in state marine reserves. ~~marine life refuges, marine reserves, ecological reserves, national parks or state underwater parks.~~

Regulations within state marine conservation areas and state marine parks may prohibit cutting or harvesting of marine aquatic plants per subsection 632(b).

NOTE

Authority cited: Section 6750, Fish and Game Code. Reference: Section 6750, Fish and Game Code.

*Amend section 120.7 of Title 14 of the California Code of Regulations to read:*

**§120.7. Taking of Sea Urchins for Commercial Purposes.**

(a) Permit Required.

(1) Any person taking or assisting in the taking of sea urchins for commercial purposes shall have obtained a valid sea urchin permit and shall be in possession of said permit when engaged in such activities. A sea urchin diving permit is not required to operate or assist in operating a vessel used to take sea urchins, however, no person without a valid sea urchin diving permit shall engage in diving from a vessel from which sea urchins are being taken or possessed for commercial purposes, unless authorized by the department's marine region regional manager or his or her designee for the purposes of sea urchin management or research.

(2) To provide an economic incentive for cooperative sea urchin management and research activity, and notwithstanding any other portion of this section, the department may authorize the holder of a valid sea urchin diving permit to harvest (take, possess, land and/or sell) red sea urchins during a closed season or in a closed area, subject to such restrictions regarding date(s), location(s), time(s), size, poundage or other matters as specified by the department. Any data collected during such harvest activity shall be made available to the department. The form of this authorization shall be a letter from the department's marine region regional manager or his or her designee issued to the permittee and containing all conditions of use.

(b) Classes of Permits.

(1) Sea Urchin Diving Permit. Sea urchin diving permits will be issued to licensed commercial fishermen 16 years of age or older who have qualified for permits pursuant to subsection (c).

(2) Sea Urchin Crewmember Permit. Sea urchin crewmember permits will be issued to licensed commercial fishermen 16 years of age or older who do not qualify for sea urchin diving permits.

(c) Prior Permittees:

(1) Applicants for sea urchin diving permits must have held a valid, unrevoked sea urchin diving permit in the immediately preceding permit year (April 1-March 31).

(2) Applications for renewal of sea urchin diving permits shall be received by the department or, if mailed, postmarked no later than June 30 of each permit year. Each application must be accompanied by evidence that the qualification requirements specified in this subsection have been met. Applications received by the department or, if mailed, postmarked after June 30 and before August 1 will be assessed a \$50 late fee. Applications received by the department or, if mailed, postmarked after July 31 will not be considered.

(d) Number of Permits.

(1) All qualified prior sea urchin diving permittees shall be eligible to receive diving permits regardless of the number issued.

(2) If the number of diving permits issued to prior permittees is more than 300, the total number of new sea urchin diving permits available for issuance shall be one-tenth the

difference between the total number of sea urchin diving permits issued prior to August 1 of the current permit year and the total number of sea urchin permits issued during the immediately preceding permit year. If the number of diving permits issued to prior permittees is less than 300, the number of new sea urchin diving permits to be issued shall be the difference between the number of diving permits issued to prior permittees and 300. If the number of permits issued to prior permittees is 300, no new sea urchin diving permits shall be available.

(e) New Permittees:

(1) Applications for the issuance of any new sea urchin diving permits that may become available each year shall be received by the department or, if mailed, postmarked no later than June 30. Applications shall be submitted to the department's License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. If any new sea urchin diving permits are available for issuance, as provided in subsection (d)(2), they shall be issued to licensed commercial fishermen who held, for each of the two immediately preceding permit years, a valid sea urchin crewmember permit.

(2) If there are more applicants for sea urchin diving permits than there are permits available, a drawing will be held to determine which applicants will be eligible to purchase permits. Any person who submits more than one application for a new sea urchin diving permit in any one permit year will be excluded from the drawing. Each applicant who meets the criteria in subsection (e)(1) shall be entered into the drawing once. In addition, each applicant shall be entered into the drawing one more time for each additional year, above the minimum required two years, that the applicant possessed a valid sea urchin crewmember permit. No applicant shall be entered more than five times for each drawing. The drawing will be held on the third Wednesday in August each year. Permits will be issued to successful applicants in the order drawn. Payment of the fee for the sea urchin diving permit must be received at the department's License and Revenue Branch, 3211 S Street, Sacramento, CA 95816 on or before September 25.

(f) Fee. The fee for sea urchin crewmember permits shall be the amount authorized by Section 699 of these regulations.

(g) Appeal. Any applicant who is denied a sea urchin diving permit for any reason may appeal the denial to the department in writing, describing the basis for the appeal. The appeal must be received by the department not later than March 31 following the permit year in which the appellant last held a valid sea urchin diving permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

(h) Vessel Identification. When sea urchins are taken under these regulations, the vessel's commercial registration number shall be displayed on both sides of the boat. The number shall be black, at least 10 inches high, and on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the vessel's commercial registration number.

(i) Conditions of the Permit:

(1) No person shall take or possess lobsters or abalone aboard any boat used to take sea urchins under these regulations on any day that sea urchins have been taken or are to be taken.

(2) Hydraulic lifts and air lifts shall be used only in such a manner that no rocks or other mineral matter, aquatic plants, fish or other aquatic life except sea urchins, shall be removed from the bottom or otherwise disturbed.

(j) Revocation of Permits. Any permit may be suspended, revoked, or canceled by the commission upon breach or violation of any fish and game regulation pertaining to the take of

sea urchins or abalone; or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

(k) Exemption from Tidal Invertebrate Permit. A sea urchin diver or sea urchin crewmember operating under the provisions of this section is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of section 123, Title 14, CCR.

(l) Fishing Season.

(1) From November 1 through March 31 the open season for red sea urchins is seven days per week.

(2) In April, May, September and October the open season for red sea urchins is Monday, Tuesday, Wednesday and Thursday.

(3) In June and August the open season for red sea urchins is Monday, Tuesday, and Wednesday.

(4) In July the season for red sea urchins is Monday and Tuesday.

(5) During any closed period, no red sea urchins may be possessed on any commercially registered vessel, except that any commercially registered vessel may transport red sea urchins after any closure goes into effect, provided that the vessel is in port no later than 0800 hours on the first day of the closed period.

(m) Logbooks. Any person who operates a vessel used for the commercial harvest of sea urchins shall prepare a daily record of the vessel's sea urchin fishing activities on a form (DFG-120.7 (5/99)), incorporated herein by reference, provided by the department before the sea urchins are landed. The completed daily records shall be sent to the Fort Bragg office of the Department of Fish and Game for fishing activities north of the Monterey-San Luis Obispo county line, and to the Los Alamitos, office for fishing activities south of the Monterey-San Luis Obispo county line on or before the tenth day of each month following the month to which the records pertain.

(n) Closed Areas.

(1) Sea urchins shall not be taken for commercial purposes in state marine reserves or state marine parks. Specific regulations in state marine conservation areas may prohibit the commercial take of sea urchins as per subsection 632(b).

(4)(2) The Gerstle Cove area in Salt Point State Park Marine Conservation Area (Sonoma County) is closed to all commercial fishing for sea urchins. This area is delimited as all the ocean waters east of a line extending 180° true from the southernmost point (lat. 38° 33.92' N, long. 123° 19.89' W) of Salt Point (38° 33.92' N. lat. 123° 19.89' W. long.) and north of a line extending 270° true from the westernmost point of land (lat. 38° 33.6' N, long. 123° 19.37' W) of the unnamed point at the southern end of Gerstle Cove (38° 33.6' N. lat. 123° 19.37' W. long.).

(2)(3) The South Caspar Point area in Mendocino County is closed to all commercial fishing for sea urchins. This area is bounded on the north by a line extending 90-90° magnetic from sea to the mouth of Caspar Creek (north bank) in Caspar Cove, on the south by the northern boundary of the Point Cabrillo Marine Reserve State Marine Conservation Area and its westward extension to the 120-foot depth contour, on the west by 120-foot depth contour line connecting the north and south boundary lines, and on the East by the mainland shore. The Point Cabrillo Marine Reserve State Marine Conservation Area remains closed to the take of all forms of marine life except as permitted in subsection 632(b).

(o) Size Limit.

(1) In southern California (south of the Monterey-San Luis Obispo county line) no red sea urchin between one and one-half (1 1/2) and three and one-quarter (3 1/4) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the

shell, may be taken, possessed, sold, or purchased, except that not more than thirty (30) such red sea urchins per permittee per load may be taken, possessed, sold or purchased.

(2) In northern California (north of the Monterey-San Luis Obispo county line) no red sea urchin between one and one-half (1 1/2) and three and one-half (3 1/2) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the shell, may be taken, possessed, sold or purchased, except that not more than thirty (30) such red sea urchins per permittee per load may be taken, possessed, sold or purchased.

(3) Red sea urchins less than one and one-half (1 1/2) inches in shell diameter shall not be considered as part of the thirty (30) undersized red sea urchins per permittee per load that may be taken, possessed, sold or purchased.

(4) Every sea urchin permittee shall carry and use an accurate measuring device, to determine the size of red sea urchins being taken as specified in subsections ~~(p)(1)(o)(1)~~ and ~~(p)(2)(o)(2)~~ above, while diving for sea urchins for commercial purposes.

(p) Authorization of an Assistant for a Sea Urchin Diver Permittee.

(1) Authorization by Department. The holder of a sea urchin diving permit, who, after entering the sea urchin fishery, becomes, due to a severe unforeseen or catastrophic long-term (expected to be for one year or longer) or permanent injury or disease, physically unable to dive, may designate a specific individual as an assistant, upon written approval from the department. The department may authorize, in writing, any one specific individual to be designated by the permittee as an assistant, providing the following conditions have been met:

(A) the permittee provides documentation from a qualified physician that the permittee suffers from the disease or injury and it will prevent the permittee from diving. Such conditions shall not include short or long-term common illnesses, conditions caused or primarily exacerbated by aging, or any other condition which appears to be marginal or common, such as routine back or neck problems;

(B) the permittee has no violations or pending violations for which his or her permit could be revoked;

(C) the proposed assistant has a current California commercial fishing license and has not had any California commercial fishing license or permit suspended or revoked; has never been convicted, and no charges are pending for a violation of any provision of the Fish and Game Code or Title 14, California Code of Regulations.

(2) Special Provisions:

(A) The authorized sea urchin diver assistant may take or assist in the taking of sea urchin only when in the company of the permittee.

(B) The permittee shall have no authority to, and shall not dive for sea urchin while a valid letter authorizing the permittee to designate an assistant exists, regardless of whether or not the assistant is actively diving.

(C) The authorized sea urchin diver assistant shall have no right to ownership or transfer of the permit beyond that which is otherwise provided by law.

(D) The sea urchin diving permit, in addition to the sea urchin diver assistant authority shall be subject to revocation, suspension or other actions provided in law or regulation, upon violations committed by the assistant, when acting under the authority of a sea urchin diver assistant. The assistant shall take no actions authorized pursuant to a sea urchin diver permit without the consent of the permittee.

(E) The department shall review the authority authorized pursuant to this section at least once every year and may withdraw the authority if any of the conditions are not met.



(3) Fee Requirement. Any person authorized as an assistant pursuant to this subsection shall annually pay a fee to the department equal to the amount required of permittees pursuant to Fish and Game Code Section 9055.

(4) Required Possession of Department Authorization. The assistant shall carry the department's letter of authority whenever conducting activities authorized pursuant to the subsection.

(5) The department shall report to the commission within 18 months of the enactment of these provisions on the merits of the program. The department shall make a recommendation to the commission to either continue or discontinue the program, based on achievements and problems associated with the administration of these provisions.

**NOTE**

Authority cited: Sections 1050, 9054 and 9055, Fish and Game Code. Reference: Sections 1050, 7850, 7852.2, 7857, 9054 and 9055, Fish and Game Code.

*Amend section 122 of Title 14 of the California Code of Regulations to read:*

**§122. Lobsters, Permits to Take.**

(a) Classes of Lobster Permits.

(1) There is a lobster operator permit and a lobster crewmember permit.

(2) Under operator permits issued by the department, licensed commercial fishermen may use traps to take spiny lobsters for commercial purposes in Districts 18, 19, 20A, and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point. No other method of take is authorized for the commercial harvest of spiny lobsters.

(3) Any licensed commercial fisherman not eligible to obtain a lobster operator permit pursuant to this section may purchase a lobster crewmember permit, authorizing him/her to accompany the holder of a lobster operator permit and to assist that person in the commercial take of spiny lobster.

(b) Each lobster permit shall be issued annually and shall be valid for the period of the commercial lobster season. Each operator and crewmember permittee shall have his/her permit in possession when taking lobsters.

(c) A permit shall not be assigned or transferred, and any right or privilege granted thereunder is subject to revocation, without notice, by the Fish and Game Commission, at any time.

(d) Applicants for lobster operator permits shall have held a valid, unrevoked lobster operator permit in the immediately preceding permit year.

(e) Number of Permits:

The holder of a valid, unrevoked lobster operator permit from the immediately preceding permit year shall be eligible to purchase a lobster operator permit regardless of the number issued.

(f) Procedures and Deadline for Permit Renewal.

Applications for renewal of lobster operator permits must be received by the department or if mailed, postmarked not later than May 31 of each year. Applications presented or postmarked after May 31 and before July 1 will be assessed a \$50 late fee. Applications postmarked or presented after June 30 will not be considered.

(g) No SCUBA equipment or other artificial breathing device may be used to take lobster on any boat being operated pursuant to a commercial lobster permit.

(h) All provisions of the Fish and Game Code and regulations of the Fish and Game Commission relating to lobsters shall be a condition of all permits to be fully performed by the

holders thereof, their agents, servants, employees, or those acting under their direction or control.

(i) Exemption from Tidal Invertebrate Permit. A lobster operator or crewmember operating under the provisions of a lobster permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

~~(i)~~(j) No lobster trap used under authority of this permit shall be pulled or raised or placed in the water between one hour after sunset to one hour before sunrise.

~~(j)~~(k) All lobster traps and receivers impounding lobsters shall be individually buoyed. The buoys must be on the surface of the water, except after the first Tuesday in October when buoys may be submerged by means of metallic timing devices, commonly called "pop-ups."

~~(k)~~(l) Each buoy identifying a lobster trap shall display the commercial fishing license number of the lobster operator permit holder followed by the letter P. The commercial fishing license number and the letter P shall be in a color which contrasts with that of the buoy and shall be at least one (1) inch in height and at least one-eighth (1/8) inch in width.

~~(l)~~(m) Any person pulling or raising lobster traps and receivers bearing a commercial fishing license number other than his/her own must have in his/her possession from the party who holds the permit assigned to said gear written permission to pull the traps, or receivers.

~~(m)~~(n) The employees of the department may disturb or move any lobster trap at any time while such employees are engaged in the performance of their official duties and shall inspect any lobster trap to determine whether it is in compliance with all provisions of the Fish and Game Code and regulations of the commission.

~~(n)~~(o) During the closed season for the taking of spiny lobster, no buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than six (6) days before the opening of the season and may remain in the water for not more than six (6) days after the close of the season, if the door or doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters.

~~(o)~~(p) Restricted fishing areas.

(1) No lobster trap used under the authority of this permit shall be used within 750 feet of any publicly-owned pier, wharf, jetty or breakwater; however, such traps may be used to within 75 feet of any privately-owned pier, wharf, jetty or breakwater.

(2) No lobster traps shall be set or operated within 250 feet of the following specified navigation channels.

(A) Newport Bay: Starting at the demarcation line at the entrance to Newport Bay and extension of the west side channel line, proceed southeasterly on a bearing of 151o magnetic one nautical mile; then northeasterly 44o magnetic 500 feet; then northwesterly 331o magnetic one nautical mile to the demarcation line and an extension of the east side channel line.

(B) Dana Point Harbor: Starting from Dana Point east jetty light "6," proceed on a bearing of 120o magnetic 450 yards to red buoy "4"; then south 180o magnetic one nautical mile; then westerly 270o, 300 yards; then north 0o magnetic approximately one nautical mile to Dana Point Harbor light "5."

(C) Oceanside Harbor: Starting from Oceanside Harbor breakwater light "1," proceed on a bearing of 225o magnetic for one nautical mile; then southeast for 450 yards on a bearing of 110o magnetic; then northeast on a bearing of 35o magnetic for one nautical mile to Oceanside Harbor south jetty light "2"; then west-southwest on a bearing of 253o to the point of beginning at Oceanside Harbor breakwater light "1."

~~(p)~~(q) Records. Pursuant to section 190 of these regulations, any person who owns and/or operates any vessel used to take lobsters shall complete and submit an accurate record

of his/her lobster fishing activities on a form (Daily Lobster Log, DFG 122 (6/95), see Appendix A) provided by the Department.

(q)(r) The person required to submit logs pursuant to these regulations shall have complied with said regulations during the immediate past license year, or during the last year such person held a permit, in order to be eligible for a successive year annual permit.

(r)(s) Any person denied a permit under these regulations may request a hearing before the commission to show cause why his/her permit request should not be denied. Such request must be received by the Commission within 60 days of the Department's denial.

#### NOTE

Authority cited: Sections 8254 and 8259, Fish and Game Code. Reference: Sections 2365, 7852.2, 8250-8259, 9002-9006 and 9010, Fish and Game Code.

*Amend section 123 of Title 14 of the California Code of Regulations to read:*

### **§123. Tidal Invertebrates.**

Marine invertebrates shall not be taken ~~To take mollusks, crustaceans, or other invertebrates~~ for commercial purposes in any tide pool or tidal area, including tide flats or other areas between the high tide mark and 1,000 feet beyond the low tide mark of any natural or constructed shoreline, except as otherwise provided in this section. ~~, revocable permits~~ Revocable Tidal Invertebrate Permits may be issued by the department in accordance with the following regulations:

#### (a) Qualifications of Permittee.

The applicant must be a licensed commercial fisherman. If a vessel is used in taking or transporting tidal invertebrates for commercial purposes, the vessel must be currently registered and all fishermen on the vessel must possess a permit ~~valid~~ Tidal Invertebrate Permit.

#### (b) Limitation of Permit.

Not more than one permit shall be issued to any one person. Permits shall not be assigned or transferred from person to person.

(c) Duration of Permit and Fee for Permit: Any permit ~~Tidal Invertebrate Permit~~ issued pursuant to these regulations shall be in force ~~valid~~ from April 1 to March 31 of the following year, or, if issued after the beginning of such term for the remainder thereof. See subsection 699(b) of these regulations for the fee for this permit. ~~(NOTE: This fee shall be charged effective April 1, 1992.)~~

#### (d) Permit Exemption.

Commercial fishermen taking only lobster, ~~abalone~~, sea cucumber, squid, crab or sea urchin need not possess the permit as required in this section but are subject to the provisions of this section and must have the appropriate permits to take such species as required by Fish and Game Code Sections 8254, 8405, 8421, 8306.8, 8396, 9001 and 9054, and regulations adopted pursuant thereto.

(e) Provisions of this section do not apply to commercial fishermen taking freshwater clams or crayfish in inland waters.

#### (f) Permit Conditions.

(1) Under the terms of a permit ~~Tidal Invertebrate Permit~~ issued pursuant to this section only the following invertebrates may be take for commercial purposes: barnacles, chiones, clams, cockles, sand crabs, limpets, mussels, sand dollars, octopuses, shrimp, ~~sea cucumbers, sea urchins~~, sea hares, starfish, worms, ~~squid~~ and native oysters subject to the following restrictions:-

(A) Marine worms shall not be taken in any mussel bed, nor shall any person pick up, remove, detach from the substrate any other organisms, or breakup, remove, alter or destroy any rock or other substrate or surfaces to which organisms are attached to obtain marine worms.

(B) Clams may only be taken in accordance with restrictions listed pursuant to Fish and Game Code sections 8340-8343, 8346.

(2) ~~No mollusks, crustaceans or other invertebrates may be taken in:~~ Marine invertebrates may not be taken for commercial purposes in state marine reserves or state marine parks. Commercial take of marine invertebrates may be limited in state marine conservation areas pursuant to specific regulations in subsection 632(b).

(A) Marine Life Refuges: ~~except the James V. Fitzgerald Marine Reserve pursuant to subsection 8305.5(b), Fish and Game Code.~~

(B) Reserves: ~~Point Cabrillo Reserve, Gerstle Cove Reserve, Point Reyes Headlands Reserve, Estero de Limantour Reserve, Robert W. Crown Reserve, Pismo Invertebrate Reserve, Lovers Cove Reserve, Point Loma Reserve.~~

(C) Ecological Reserves: ~~Del Mar Landing Ecological Reserve, Corte Madera Marsh Ecological Reserve, Carmel Bay Ecological Reserve, Point Lobos Ecological Reserve, Abalone Cove Ecological Reserve, Bolsa Chica Ecological Reserve, Heisler Park Ecological Reserve, San Diego-La Jolla Ecological Reserve.~~

(3) ~~In Farnsworth Bank Ecological Reserve all invertebrates may be harvested except purple coral.~~

(4) ~~In and offshore of all other state ecological reserves, state parks, state reserves, national parks, national monuments, or national seashores, only the following invertebrates may be taken: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, remove or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

#### NOTE

Authority cited: Section 8500, Fish and Game Code. Reference: Sections 8254, 8305.5, 8306.8, 8396, 8500, 9001 and 9054, Fish and Game Code.

*Amend section 149 of Title 14 of the California Code of Regulations to read:*

### **§149. Commercial Taking of Market Squid.**

(a) Fishing days. North of a westerly extension of the United States -- Republic of Mexico boundary line, market squid may not be taken for commercial purposes between 1200 hours (noon) on Friday and 1200 hours (noon) on Sunday of each week. This regulation applies to vessels catching squid or attracting squid with lights for the purpose of catching. This regulation does not apply to vessels pursuing squid for live-bait purposes only.

(b) Exemption from Tidal Invertebrate Permit. A commercial market squid vessel or light boat operating under the provisions of a commercial market squid permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

(b)(c) Records. Pursuant to Section 190 of these regulations, any person who possesses a valid market squid vessel permit or squid light boat owners permit shall complete and submit an accurate record of his/her squid fishing/lighting activities on a form (Market Squid Vessel Logbook - DFG 149a (4/99), or Market Squid Light Boat Logbook - DFG 149b (4/99), which are incorporated by reference herein) provided by the department, as appropriate to the type of fishing activity.

~~(e)~~(d) Maximum Wattage. Each vessel fishing for squid or lighting for squid will utilize a total of no more than 30,000 watts of lights to attract squid at any time.

~~(d)~~(e) Light Shields. Each vessel fishing for squid or lighting for squid will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orienting the illumination directly downward, or providing for the illumination to be completely below the surface of the water.

~~(e)~~(f) Seasonal Harvest Guideline. For the period from April 1 through March 31 of the following year, a total of not more than 125,000 short tons of market squid may be taken by vessels permitted under Section 8421 of the Fish and Game Code, with the fishery closure implemented as follows:

(1) The department shall estimate, from the current trend in landings, when the market squid harvest guideline will be reached, and will publicly announce the effective date of closure of the directed fishery on VHF/channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight). It shall be the responsibility of all operators of permitted market squid vessels to monitor VHF/channel 16 to determine when the harvest guideline is expected to be reached and the fishery closed. Any announcement issued or made by the department on VHF/channel 16 shall constitute official notice.

(2) Whenever the market squid harvest guideline has been reached, market squid may be taken for commercial purposes until April 1 only pursuant to Section 8421(b) of the Fish and Game Code.

**NOTE**

Authority: Sections 7701, 7708, 7923, 8026, 8420.5, 8425 and 8429.5, Fish and Game Code. Reference: Sections 7701, 7708, 7923, 8026, 8420.5, 8425 and 8426, Fish and Game Code.

*Amend section 165 of Title 14 of the California Code of Regulations to read:*

**§165. Harvesting of Kelp and Other Aquatic Plants.**

(a) General License Provisions. Pursuant to the provisions of Section 6651 of the Fish and Game Code, no kelp or other aquatic plants may be harvested for commercial purposes except under a revocable license issued by the department.

(1) Who Shall be Licensed. Each company or individual harvesting kelp and other aquatic plants for industrial, human consumption or aquaculture purposes shall apply each year for a license on forms provided by the department. Application forms and a list of laws and regulations governing the harvest of kelp and other aquatic plants are available on request from the department's Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940, and from the department's field offices in Eureka, Belmont, Los Alamitos and San Diego.

(2) Cost of License. See section 6651 of the Fish and Game Code.

(3) Where to Submit Applications. Application forms, together with the \$100 license fee, shall be submitted to the department's Los Alamitos office, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720.

(4) License Limitation. All provisions of sections 6650-6680 of the Fish and Game Code, and sections 165 and 165.5 of the commission regulations shall become a condition of all licenses issued under this section to be fully performed by the holders thereof, their agents, servants, employees or those acting under their direction or control.

(b) General Harvesting Provisions.

(1) Weighing of Kelp. A kelp harvester shall determine the weight of harvested kelp or other aquatic plants upon landing or delivery to the harvester's place of business. The harvester may determine the weight of harvested kelp or other aquatic plants using either direct weighing or a volume conversion that has been approved by the department. If the weight is determined by a public weighmaster, the harvester shall obtain a receipt and maintain the receipt in the landing record required under subsection (b)(3) below.

(2) Harvesting Records. Every person harvesting kelp and other aquatic plants and licensed pursuant to section 6650 of the Fish and Game Code shall keep a book or books recording the following:

(A) Category of plants harvested as defined in Section 165(c), (d) and (e).

(B) The wet weight of harvested kelp or other aquatic plants recorded in pounds or tons (1 ton = 2000 pounds).

(C) Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester. The book(s) shall be open at all times for inspection by the department.

(3) Landing Records. Records of landing shall be prepared by all harvesters licensed pursuant to Section 6650 of the Fish and Game Code. Records of landing shall be made in triplicate using forms FG 113 (Rev. 1/97) and FG 114 (Rev. 1/97). The landing records shall show:

(A) The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(B) above.

(B) Name of harvester.

(C) Department of Fish and Game kelp harvester number.

(D) Dates of landing.

(E) Kelp bed number and, if applicable, harvest control area where plants were harvested.

(F) A duplicate copy of the landing record shall be kept by a kelp harvester for a period of one year and shall be available for inspection at any time within that period by the department. A kelp harvester who harvests kelp from a harvest control area established under subsection (c)(4)(E) below shall maintain a copy of the landing record on board the harvest vessel for all harvesting conducted during that harvest control period. The original and one copy of the record shall be delivered to the department at the address indicated within 10 days after the close of each month, with the specified royalty required for all kelp and other aquatic plants harvested. Failure to submit the required landing record and royalty fees within the prescribed time limit are grounds for revocation of the harvester's license.

(4) No eel grass (*Zostera*) or surf grass (*Phyllospadix*) may be cut or disturbed.

(5) No kelp or other aquatic plant may be harvested in a ~~marine life refuge as per Section 10500(f) of the Fish and Game Code~~ state marine reserve or state marine park as per subsection 632(a). Commercial harvest of kelp or other aquatic plants may be limited in state marine conservation areas as per subsection 632(b).

(6) It is unlawful to cause or permit waste of any kelp or other aquatic plants taken in the waters of this state or to take, receive or agree to receive more kelp or other aquatic plants than can be used without waste or spoilage.

(c) Harvesting of *Macrocystis* and *Nereocystis* (giant and bull kelp). In this subsection, kelp means both giant and bull kelp.

(1) A kelp harvester may harvest kelp by cutting and removing portions of attached kelp or by collecting unattached kelp.

(2) A kelp harvester may not cut attached kelp at a depth greater than four feet below the surface of the water at the time of cutting.

(3) No kelp received aboard a harvesting vessel shall be allowed to escape from the vessel or be deposited into the waters of this state.

(4) If, at any time, the commission finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of food for fish or marine mammals, the commission may limit or prohibit the harvest of kelp within a bed or portion of a bed for any length of time.

(A) In beds north of Point Montara, Nereocystis (bull kelp) may only be taken by hand harvesting. No mechanical harvesters of any kind are allowed.

(B) Between April 1 and July 31, a kelp harvester may not harvest bull kelp from a nonleased kelp bed that lies partially or totally within the boundary of the Monterey Bay National Marine Sanctuary extending from Santa Rosa Creek, San Luis Obispo County, northward to Rocky Point, Marin County. This subsection does not preclude the removal of bull kelp from beaches within the Monterey Bay National Marine Sanctuary during the seasonal closure.

(C) Prior commission approval of a kelp harvest plan is necessary before a kelp harvester may use a mechanical harvester to harvest giant kelp in a nonleased kelp bed north of Santa Rosa Creek, San Luis Obispo County. For approval of a kelp harvest plan, a harvester must identify how a mechanical harvester will be used while avoiding: 1) repetitive harvest from individual giant kelp plants; 2) harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and 3) harvest giant kelp near sea otter rafting sites used by female sea otters with dependent pups.

(D) A kelp harvester may not harvest kelp in that portion of kelp bed 220 in Monterey County that lies between the tip of the Monterey breakwater and a line created by a seaward extension running 40° magnetic north from the northern-most portion of the unnamed point that lies seaward of the Chart House restaurant, approximately 3000 feet northwest of the tip of the Monterey breakwater.

(E) With a finding as determined in subsection (c)(4) above, the commission may designate, through emergency regulation, a nonleased kelp bed or portion of a bed as a harvest control area for a specified period of time. The commission shall set a cumulative harvest tonnage limit for each kelp harvester that may not be exceeded while harvesting within the control area during any consecutive 7-day period. The department shall maintain a list of active harvest control areas, their effective time period, and their cumulative harvest tonnage limit on its web page ([www.dfg.ca.gov](http://www.dfg.ca.gov)). The same information may be obtained by contacting the Marine Region office at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.

(5) A kelp harvester may not harvest kelp from the following kelp beds:

Bed. No.	Square Miles
10	0.00
15	0.04
22	0.05
24	0.05
203	0.00

206	0.04
224	0.06
225	0.00
226	0.00
301	0.00
302	0.00
303	1.33
304	0.89
305	1.11
306	1.03
307	0.93
310	0.00
311	0.00
Total	5.53

(6) Only a lessee authorized by the commission may harvest kelp from the following beds:

Bed No.	Square Miles
308	0.20
309	0.14
312	0.20
Total	0.54

(7) In addition to the license fee, a kelp harvester shall pay a royalty of \$1.71 for each ton (2,000 pounds) of wet kelp harvested from a nonleased bed.

(d) Harvesting of marine plants of the genera Gelidium, Pterocladia, Gracilaria, Iridaea, Gloiopeltis or Gigartina which are classified as agar-bearing plants.

(1) General Provisions.

(A) All agar-bearing plants must be harvested by cutting, except that drift or loose plants may be picked up by the harvester. Agar-bearing plants may be cut no closer than two inches



to the holdfast and no holdfast may be removed or disturbed. All agar-bearing plants which are removed from a bed must be taken from the water for weighing and processing.

(B) While harvesting agar-bearing plants, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(C) License numbers of the harvesters will be displayed on both sides of the boat from which they are operating in 10-inch black numbers on a white background.

(D) A harvester may use conventional underwater diving gear or SCUBA when harvesting agar-bearing plants.

(2) Kelp Drying Permits. Pursuant to section 6653.5 of the Fish and Game Code, no company or individuals shall reduce the moisture content or otherwise dry agar-bearing plants harvested from waters of the state except under the authority of a kelp drying permit issued by the department. Drying permits shall be issued under the following conditions:

(A) Where Issued. Requests for kelp drying permits shall be submitted to the Department of Fish and Game at the address listed in section 165(a)(3).

(B) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit.

(C) Permit Review. The department shall return permit application forms to the applicant within three working days of receipt.

(D) Duration of Permits. Except as otherwise provided, kelp drying permits shall be valid for a term of one year from date of issue.

(E) Weighing of Kelp. All agar-bearing marine plants shall be weighed upon landing pursuant to the provisions of subsection (b)(1) of these regulations.

(F) Plant Delivery. Every person taking delivery of agar-bearing marine plants for drying purposes from persons licensed pursuant to section 6650 of the Fish and Game Code or harvesters drying their own plants shall keep a book or books recording the following:

1. A full and correct record of all agar-bearing plants received from other licensed agar harvesters or taken by permittee.

2. Names of the different species.

3. The number of pounds received.

4. Name, address and kelp harvester number of the person from whom the agar-bearing plants were received. The book(s) shall be open at all times for inspection by the department.

(G) Landing Receipts. Receipts shall be issued by all kelp drying permittees to harvesters licensed pursuant to subsection (b)(3) of these regulations and shall show:

1. Price paid.

2. Department origin block number where the agar-bearing plants were harvested.

3. Such other statistical information the department may require.

(H) The original signed copy of receipt shall be delivered to the agar harvester at the time of purchase or receipt of the agar-bearing plants. The duplicate copy shall be kept by the kelp drying permittee for a period of one year and shall be available for inspection at any time within that period by the department, and the triplicate shall be delivered to the department at the address indicated within 10 days after the close of each month, with a royalty of \$17.00 per wet ton (2,000 lbs.) for all agar-bearing seaweed received. Failure to submit the required landing receipts and royalty fees within the prescribed time limit is grounds for revocation of the permittee's drying permit.

(e) Harvesting of marine plants, including the genera *Porphyra*, *Laminaria*, *Monostrema*, and other aquatic plants utilized fresh or preserved as human food and classified as edible seaweed.

(1) General Provisions.

(A) Edible varieties of marine plants must be harvested by cutting or picking, except that drift or loose plants may be picked up by the harvester. All harvested plants must be processed.

(B) Edible seaweed may be harvested from state waters throughout the year, except as provided under section 164.

(C) While harvesting edible seaweed, it is unlawful to harvest abalone or to have abalone harvesting equipment in possession.

(D) A harvester may use conventional underwater diving gear or SCUBA while harvesting edible seaweed.

(2) Harvest of Bull Kelp for Human Consumption. Notwithstanding subsection 165(c)(5)(A), persons operating under the authority of an edible seaweed harvesters license may take, not to exceed, 2 tons (4,000 lbs) of bull kelp per year. The entire plant may be harvested.

(3) Weighing of Edible Marine Plants. All edible marine plants shall be weighed pursuant to the provisions of subsection (b)(1) of these regulations and landing receipts in duplicate issued as per subsection (b)(3).

(4) The original copy of the receipt shall be delivered to the department at the address indicated within 10 days after the close of each month with a royalty of \$24 per wet ton (2,000 lbs.) of edible marine plants harvested from state waters other than San Francisco Bay and Tomales Bay.

(f) All Other Species of Kelp.

(1) Applicant shall apply to the commission, outlining the species to be harvested, amount and location. The commission may set conditions and amount of royalty after review of the application.

#### NOTE

Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650-6680, Fish and Game Code.

*Amend section 180 of Title 14 of the California Code of Regulations to read:*

### **§180. Traps.**

Revocable, nontransferable permits to use traps for commercial purposes may be issued by the department to take fish, mollusks and crustaceans except market crabs (Cancer magister) and lobster under the following conditions:

(a) Permits will include conditions under which traps shall be used to take fish, mollusks or crustaceans. No person shall use any trap except as authorized in a permit. The taking of spot prawns shall be subject to the conditions of this section and section 180.1.

(c) Exemption from Tidal Invertebrate Permit. A commercial fisherman operating under the provisions of a commercial trap permit and lobster operator permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

(b) Every person who takes or assists in taking fish, mollusks, or crustaceans with any trap or who possesses or transports fish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have in his possession a valid permit issued to him pursuant to this section while engaged in any such activity.

(c) The department may inspect the traps at any time.

(d) Records. Pursuant to section 190 of these regulations, each permittee may be required by the department to complete and submit an accurate log of the fishing operations on a form (Daily Trap Log, DFG 180A (10/89) or Daily Sablefish Trap Log, DFG 180B (10/89), see Appendix A) provided by the department.

- (e) Traps must be marked by buoys as specified by the department.
- (f) All traps must have at least one destruct device of a type authorized by the department.
- (g) The permit may be suspended temporarily by the Director for a breach or violation of the terms of the permit by the holder thereof, or any member of his crew on the designated vessel. In addition, the permit may be temporarily suspended or denied by the Director if he determines that the trap or its operation is detrimental to any of the ocean's living marine resources. The commission shall be notified of any such suspension, and subsequently may revoke or reinstate the permit or fix the period of its suspension after written notice to the permittee and after he has been afforded an opportunity to be heard. In the event a permit is denied by the Director the applicant may apply to the commission for an experimental gear permit under Section 8606 of the Fish and Game Code.
- (h) The permit number of the boat operator shall be displayed on both sides of the boat in ten-inch black numbers on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the numbers.
- (i) Cost of Permit. The fee for this permit shall be the amount specified in Section 9001, Fish and Game Code.

**NOTE**

Authority cited: Sections 7701, 7708, 8491 and 8500, Fish and Game Code. Reference: Sections 7700-7710.5, 8490, 8491, 8500, 9000-9011 and 9015, Fish and Game Code.

*Amend section 630 of Title 14 of the California Code of Regulations to read:*

**§630. Ecological Reserves.**

The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access

roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection (a)(2) from designated shore areas only.

A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the department may use pesticides for management purposes and for public safety.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless

they are retained on a leash of less than ten feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

(b) Areas and Special Regulations for Use:

~~(1) Abalone Cove Ecological Reserve, Los Angeles County.~~

~~(A) Fishing is permitted for fin fish (those having vertebrae) only, from boats as well as from shore. Spear guns may be used for the taking of fin fish.~~

~~(B) Swimming, surfing, boating, skin and SCUBA diving are permitted.~~

~~(2)(1) Agua Hedionda Lagoon Ecological Reserve, San Diego County.~~

(A) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) All fishing is prohibited.

~~(3)(2) Albany Mudflats Ecological Reserve, Alameda County.~~

~~(4)(3) Alkali Sink Ecological Reserve, Fresno County.~~

(A) Grazing is permitted under a permit from the department.

~~(5)(4) Allensworth Ecological Reserve, Tulare County.~~

(A) Grazing shall be allowed under permit from the department.

(B) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(6)(5) Apricum Hill Ecological Reserve, Amador County.~~

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

~~(7)(6) Atascadero Creek Marsh Ecological Reserve, Sonoma County.~~

~~(8)(7) Bair Island Ecological Reserve, San Mateo County.~~

(A) No person, except as provided in subsection (a)(10), shall enter this reserve during the period February 15 through May 20.

(B) Waterfowl shall be taken in accordance with the general waterfowl regulations.

~~(9)(8) Baldwin Lake Ecological Reserve, San Bernardino County.~~

(A) All fishing is prohibited.

(B) Waterfowl and upland game hunting shall be allowed in accordance with the general hunting regulations. Waterfowl hunting shall be permitted from boats only, and in accordance with general waterfowl hunting regulations and pursuant to the provisions of Section 551, Title 14, CCR.

(C) Boating is permitted for the purpose of waterfowl hunting only. Boats may be launched and retrieved in designated areas only.

~~(10)(9) Batiquitos Lagoon Ecological Reserve, San Diego County.~~

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purpose of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities necessary for fish and wildlife management, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited

to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(44)~~(10) Blue Ridge Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting and trapping shall be permitted in accordance with the general hunting and trapping regulations, but only at such times and in specific areas as designated by the department. Trapping may only be done under permit from the department.

~~(42)~~(11) Blue Sky Ecological Reserve, San Diego County.

(A) Bicycles prohibited.

~~(43)~~(12) Bobelaine Ecological Reserve, Sutter County.

(A) No person, except as provided in subsection (a)(10), employees of the National Audubon Society or employees of the Department of Water Resources, in the performance of their official duties or those persons possessing written permission from the area manager, may enter the reserve for any purpose.

(B) All fishing is prohibited.

(C) The area manager may issue permits to conduct biological research projects and may restrict the use of boats, vehicles and other motorized equipment within the reserve. Such projects and use shall be compatible with the primary purposes of the reserve.

(D) The Audubon Society may carry out operation and management activities necessary for fish and wildlife management, flood control, vector control and public access. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(44)~~(13) Boden Canyon Ecological Reserve, San Diego County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(45)~~(14) Boggs Lake Ecological Reserve, Lake County.

~~(46)~~(15) Bolsa Chica Ecological Reserve, Orange County.

(A) No person, except as provided in subsection (a)(10), or employees of Signal Corporation and its invitees, for the purposes of carrying out oil and gas operations, shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(B) Fishing shall be permitted at designated areas around outer Bolsa Bay only.

(C) Horses are prohibited from entering the reserve.

(D) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

(E) No person shall enter this reserve between 8:00 p.m. and 6:00 a.m.

(F) Motor vehicles are prohibited between 8:00 p.m. and 6:00 a.m.

(G) Vehicle parking is for reserve visitors' use only.

(H) The County of Orange, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(47)~~(16) Bonny Doon Ecological Reserve, Santa Cruz County.

~~(48)~~(17) Boulder Creek/Rutherford Ranch Ecological Reserve, San Diego County.

~~(49)~~(18) Buena Vista Lagoon Ecological Reserve, San Diego County.

(A) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) Fishing is allowed at designated fishing areas only.

~~(20)~~(19) Burton Mesa Ecological Reserve, Santa Barbara County.

(A) Motor vehicle use is prohibited, except by department personnel or department authorized contractors for management or research, or by law enforcement/public safety officers in response to public safety or health hazards.

(B) Upland game hunting may be permitted only at such times and in specific areas as designated by the department.

~~(24)~~(20) Butler Slough Ecological Reserve, Tehama County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

~~(22)~~(21) Butte Creek Canyon Ecological Reserve, Butte County.

(A) Motor vehicle use in the Reserve is prohibited except by Department personnel, law enforcement officers or firefighters in response to public safety or health hazards.

(B) Horses are prohibited.

(C) Fishing by boat or other flotation device within the Reserve and in the main channel of Butte Creek is permitted only from February 1 through April 30. Only hand-carried boats or flotation devices may be launched and operated.

(D) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

~~(23)~~(22) Butte Creek House Ecological Reserve, Butte County.

(A) Motor vehicle use is prohibited except by Department personnel, law enforcement officers, or firefighters in response to public safety or health hazards.

(B) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

~~(24)~~(23) Buttonwillow Ecological Reserve, Kern County.

(A) Grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(25)~~(24) By-Day Creek Ecological Reserve, Mono County.

(A) All fishing is prohibited.

(B) Hunting shall be permitted in accordance with general hunting regulations.

~~(26)~~(25) Calhoun Cut Ecological Reserve, Solano County.

(A) No person, except as provided below and in subsection (a)(10), shall enter this reserve.

(B) Hunting for waterfowl is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general hunting regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(C) Fishing is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general sport fishing regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(D) Grazing may be allowed under permit from the Department.

~~(27)~~(26) Canada de los Osos Ecological Reserve, Santa Clara County.

(A) No person, may enter the reserve except with written permission from the department, or unless part of an organized group that has received written permission.

(B) Fishing may be allowed only with written permission from the department. Fishing may be permitted from boats, as well as from shore; only lightweight hand-carried boats or floatation devices may be launched and operated. No gasoline-powered boats shall be permitted.

(C) Swimming, diving and wading may be allowed in designated areas with permission from the department.

(D) Hunting may be allowed, but only in participation with department sponsored hunts at such times, areas, and species as designated by the department.

(E) Target and skeet shooting, other discharge of firearms, and use of bow and arrow may be allowed, but only at such times and in specific areas as designated by the department.

(F) Except as otherwise permitted by the department, all public access trails are open to foot access only.

(G) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (12) and (17), the department may issue permits to conduct biological research within the reserve, and may allow collection of plants and animals for educational purposes. Such activities must be compatible with the primary purpose of the reserve.

(H) Camping and campfires may be allowed in specified areas with written permission from the department.

(I) The department may restrict any activities on the reserve to persons under 16 and adults supervising those persons.

(J) Dogs may be allowed in the reserve with written permission from the department.

(K) Livestock grazing may be allowed for habitat management purposes under permit from the department.

~~(28)~~(27) Canebrake Ecological Reserve, Kern County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Firearms, archery equipment, and hunting dogs, either on leash or in a vehicle, may be possessed only by licensed hunters only at such times and in specific areas as designated by the department.

(C) Fishing may be allowed only in those specific areas designated by the department.

(D) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6), and (12), the department may issue permits to conduct biological or archaeological research. Such research shall be compatible with the primary purpose of the reserve.

(E) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

(F) Notwithstanding the provisions of subsection (a)(7), equestrian use may be allowed, but only in specific areas designated by the department.

~~(29)~~(28) Carlsbad Highlands Ecological Reserve, San Diego County.

~~(30)~~ Carmel Bay Ecological Reserve, Monterey County.

~~(A) Sport fishing with hook and line, spear gun or hand-held implements shall be permitted from boats as well as from shore. No invertebrates may be taken, possessed or destroyed.~~

~~(B) Swimming, boating, surfing, skin and SCUBA diving are permitted.~~

~~(C) Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.~~

~~(D) If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to~~



~~harvest kelp a 48-hour advance, written notice that the kelp bed, or a part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.~~

~~(E) Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of Nereocystis (bull kelp).~~

~~(F) Any licensed person or company intending to harvest kelp within the ecological reserve shall give the department's regional manager of the Marine Resources Region, or his designee, at least 48 hours oral notice of the intention to harvest. At the option of the department, an observer selected by the department may accompany the harvester during such a harvesting.~~

~~(G) Not more than 50 percent of the kelp within Bed 219 shall be harvested in any four-month period.~~

~~(31)~~(29) Carrizo Canyon Ecological Reserve, Riverside County.

(A) No person, except as provided in subsection (a)(10), and employees of the Bureau of Land Management in the performance of their official duties shall enter this reserve during the period June 15 to September 30.

(B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(C) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

~~(32)~~(30) Carrizo Plains Ecological Reserve, San Luis Obispo County, including the American, Panorama, Elkhorn Plain and Chimineas Units.

(A) Hunting shall be allowed in accordance with the general hunting regulations and only at such times and in such places as designated by the Department.

(B) Target shooting is permitted in designated areas.

(C) Notwithstanding the provisions of subsection (a)(15), grazing may be allowed under permit from the department.

(D) Notwithstanding the provisions on subsections (a)(1), (3), (5), (6), (10), (12) and (20), the department may issue permits to conduct biological research or monitoring compatible with the purposes of the reserve.

~~(33)~~(31) China Point Ecological Reserve, Siskiyou County.

(A) No person, except as provided in subsection (a)(10) and employees of the U.S. Forest Service in the performance of their official duties, shall enter this reserve during the period February 15 through July 31.

(B) Fishing shall be permitted from boats as well as from shore; boats may be launched and operated in the Klamath River.

(C) Hunting shall be allowed in accordance with the general hunting regulations and subject to subsection (3134)(A) above.

~~(34)~~(32) Chorro Creek Ecological Reserve, San Luis Obispo County.

(A) Except as otherwise designated by the department, all public access trails are open to foot access only.

(B) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (12) and (17), the department may issue permits to conduct biological research within the reserve, and may allow collection of plants and animals for educational purposes. Such activities must be compatible with the primary purpose of the reserve.

(C) Livestock grazing may be allowed for habitat management purposes under permit from the department.

~~(35)~~(33) Clover Creek Ecological Reserve, Shasta County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

~~(36)~~(34) Coachella Valley Ecological Reserve, Riverside County.

(A) The Bureau of Land Management, the Fish and Wildlife Service and The Nature Conservancy may carry out management activities necessary for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(37)~~(35) Coal Canyon Ecological Reserve, Orange County.

(A) Hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(B) Method of take restrictions: Shotguns and archery equipment only.

~~(38)~~(36) Coldwater Canyon Ecological Reserve, Ventura County.

(A) The existing travel corridor through the area is open to foot traffic only. All other areas are closed to public entry.

~~(39)~~(37) Corral Hollow Ecological Reserve, San Joaquin County.

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

~~(40)~~(38) Corte Madera Marsh Ecological Reserve, Marin County.

(A) Boating is permitted, except only lightweight hand-carried boats may be launched within the reserve.

~~(41)~~(39) Cosumnes River Ecological Reserve, Sacramento County.

(A) Walking is allowed only on established trails, paths or other designated areas.

(B) Horses, except by written permission of the department for grazing management, are prohibited.

(C) Boating is permitted subject to the limitation that only lightweight, hand carried, non-gasoline powered floating devices may be launched and operated from designated launching sites. The department or its designee may further restrict the use and operation of boats to protect resources or provide for the orderly operation of recreational programs. Boating restrictions may include, but are not limited to, seasonal closures.

(D) Fishing is allowed only from a boat on the waters of the main channel of the Cosumnes River and sloughs accessible from the Mokelumne River in accordance with the general fishing regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(E) Hunting may be permitted in accordance with general hunting regulations, but only at such times and in specific locations as designated by the department.

(F) Picnicking shall occur only at such times and in those areas designated by the department.

(G) Pets are prohibited from entering the reserve, except when they remain inside a motor vehicle.

(H) The department, the State Lands Commission, the Bureau of Land Management, The Nature Conservancy, Ducks Unlimited, Inc. and the County of Sacramento may carry out management activities necessary for fish and wildlife management, flood control, vector control and public access. Authorized operation and maintenance activities shall include, but not be

limited to, use of chemicals, vegetation control, animal control, water control and associated use of equipment.

(I) Grazing may be allowed under permit from the department.

(J) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological or archaeological research. Such research shall be compatible with the primary purpose of the reserve.

(K) Farming may be allowed under permit from the department when such farming is compatible with the primary purpose of the reserve.

~~(42)~~(40) Crestridge Ecological Reserve, San Diego County.

(A) Non-motorized mountain biking may be allowed on designated roads during designated seasons as determined by the department. Closures may be implemented at the discretion of the department.

~~(43)~~(41) Dairy Mart Ponds Ecological Reserve, San Diego County.

(A) San Diego County, after consultation with the department, may carry out management activities for vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(44)~~(42) Dales Lake Ecological Reserve, Tehama County.

(A) Waterfowl hunting shall be permitted in accordance with the general waterfowl regulations per Section 502, Title 14, CCR.

(B) Livestock grazing may be allowed under permit from the department.

(C) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

~~(45) Del Mar Landing Ecological Reserve, Sonoma County.~~

~~(A) Fishing is permitted for fin fish (those having vertebrae) only. Spear guns may be used for the taking of fin fish.~~

~~(B) Swimming, boating, skin and SCUBA diving are permitted.~~

~~(46)~~(43) Del Mar Mesa/Lopez Ridge Ecological Reserve, San Diego County.

~~(47)~~(44) Del Monte Dunes Ecological Reserve, Monterey County.

~~(48)~~(45) Eden Landing Ecological Reserve, Alameda County.

(A) No person shall enter this reserve except on designated trails without written permission or by posted notice of the regional manager.

(B) No person shall walk, ride horses or bicycles, except on designated trails.

(C) Dogs are restricted to designated trails and designated hunting areas during the waterfowl season. In designated hunting areas, dogs may be off leash only for hunting during waterfowl season and must be under voice control at all times.

(D) Waterfowl hunting shall be permitted, but only at such times and in specific areas as designated by the department. Waterfowl shall be taken in accordance with the general waterfowl regulations.

(E) Fishing shall be permitted from boats and from shore, but only at such times and in specific areas as designated by the department.

(F) Notwithstanding the provisions of section (a)(2), commercial bait fishing for brine shrimp may occur only at such times and in specific areas as designated by the department.

(G) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (10), (12) and (20), the department may issue permits to conduct biological research or monitoring compatible with the primary purposes of the reserve.

~~(49)~~(46) Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve), Monterey County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) Fishing shall be conducted from only those specific areas of the reserve designated by the department.

(C) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(D) Grazing shall be allowed under permit from the department. The department may restrict the use of horses by grazing permittees.

(E) All designated public access trails are opened to foot access only.

(F) The causing of excessive noise especially that amplified electronically is prohibited.

(G) Picnicking shall be conducted in only those areas designated by the Department.

~~(50)~~(47) Estelle Mountain Ecological Reserve, Riverside County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

~~(51)~~(48) Fagan Marsh Ecological Reserve, Napa County.

(A) Fishing shall be permitted from boats, as well as from shore; only lightweight hand-carried boats may be launched and operated.

(B) Swimming and diving are permitted.

~~(52)~~(49) Fall River Mills Ecological Reserve, Shasta County.

~~(53)~~ Farallon Islands Ecological Reserve, San Francisco County

~~(A) Subsections (a)(1) through (a)(21) do not apply.~~

~~(B) Except as specifically prohibited under this section, boating, sport and commercial fishing, swimming, and skin and SCUBA diving are permitted within the ecological reserve, which extends one nautical mile from the coastline of Southeast Farallon and North Farallon Islands.~~

~~(C) All vessels shall observe a five (5) nautical mile per hour speed limit within 1,000 feet of any shoreline in the reserve.~~

~~(D) All commercial abalone and sea urchin diving vessels operating in the reserve shall terminate their vessel engine exhaust system either through a muffler for dry exhaust systems, or below the vessel waterline for wet exhaust systems.~~

~~(E) All commercial abalone and sea urchin diving vessels equipped with an open, deck-mounted air compressor system, while operating in the reserve, shall have the air compressor's engine exhaust system terminate below the vessel waterline.~~

~~(F) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline of any of the four islets comprising the North Farallons, including North Farallon, the Island of St. James and the two unnamed islets located between them, all as shown at about 37° 46' N, 123° 06' W on the 21st edition of NOAA chart 18645, dated August 11, 1990 and herein incorporated by reference, except in the area beginning at a line extending due west magnetic from the northernmost point of land on North Farallon and continuing clockwise to a line drawn due west magnetic from the southernmost point of land on North Farallon and in the area beginning at a line drawn due west magnetic from the northernmost point of land on the northernmost of the two unnamed islets extending clockwise to a line drawn due south magnetic from the southernmost point of land on that islet.~~

~~(G) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline in the area beginning at the south end of~~

~~Jordan Channel, westward around Indian Head, then generally northward past Great Arch Rock, then generally following the shoreline to a line extending due west from the northernmost point of land on Sugarloaf Island or in the area from the east end of Mussel Flat, generally southward to the northeasternmost point of land on Saddle Rock (Seal Rock) then generally southwest along the northerly shoreline of Saddle Rock to the southwesternmost point of land on Saddle Rock and continuing generally northward to the west end of Mussel Flat, both areas at Southeast Farallon Island.~~

~~(H) Nothing in this section shall prohibit emergency anchorage or vessel operation necessary to protect property or human life.~~

~~(54) Farnsworth Bank Ecological Reserve, Los Angeles County.~~

~~(A) No purple coral (*Allopora californica*) or geological specimens may be taken.~~

~~(B) Subsections (a)(1) through (a)(21) do not apply.~~

~~(55)(50) Fish Slough Ecological Reserve, Inyo and Mono counties.~~

(A) Fishing is prohibited within the 20-acre fenced and posted plot of land encompassing two spring areas and an artificial impoundment of 5.6 acres located in the northwest corner of that area known as "Fish Slough," northern Inyo and southern Mono counties.

(B) Hunting shall be allowed in accordance with the general hunting regulations.

~~(56)(51) Fremont Valley Ecological Reserve, Kern County.~~

~~(57)(52) Goleta Slough Ecological Reserve, Santa Barbara County.~~

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) No person, except as provided in subsection (a)(10) or designated employees of Santa Barbara Airport, City of Santa Barbara and Goleta Valley Mosquito Abatement District for the purposes of carrying out official duties shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(C) No fishing shall be allowed except at designated areas.

(D) Horses are prohibited.

(E) The department, City of Santa Barbara and the Goleta Valley Mosquito Abatement District may carry out management activities necessary for fish and wildlife management and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching for mosquito abatement when approved by department and use of associated equipment.

~~(58)(53) Harrison Grade Ecological Reserve, Sonoma County.~~

~~(59)(54) Headwaters Forest Ecological Reserve, Humboldt County.~~

(A) Horses are prohibited from entering the reserve.

(B) Bicycles are allowed only on the northern 3.5-mile designated corridor.

(C) Dogs on leash are allowed only on the northern 3.5-mile designated corridor.

(D) Camping may be authorized with written permission from the department or the Bureau of Land Management for research and monitoring.

(E) Swimming may be authorized with written permission from the department or the Bureau of Land Management for research and monitoring.

(F) Aircraft operations and motorized vehicle use may be authorized with written permission from the department or the Bureau of Land Management for emergency operations, monitoring, research and other management activities.

(G) The Bureau of Land Management may carry out operation and maintenance activities necessary for fish and wildlife management and public access. Authorized operation

and maintenance activities shall include, but not be limited to use of chemicals, vegetation control, forestry management, controlled burning and use of associated equipment.

~~(60) Heisler Park Ecological Reserve, Orange County.~~

~~(A) All fishing is prohibited.~~

~~(B) Swimming, boating and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.~~

~~(61)~~(55) Hidden Palms Ecological Reserve, Riverside County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

~~(62)~~(56) Indian Joe Springs Ecological Reserve, Inyo County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

~~(63)~~(57) Joshua Creek Canyon Ecological Reserve, Monterey County.

~~(64)~~(58) Kaweah Ecological Reserve, Tulare County.

(A) Grazing may be allowed only under permit from the department.

(B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(65)~~(59) Kerman Ecological Reserve, Fresno County.

(A) Grazing may be allowed under permit from the Department.

(B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms. Shotguns only, discharging not larger than number 2 lead or size T steel shot, will be allowed on the area. Possession of firearms for other than law enforcement purposes will not be permitted on the area, except as provided herein.

(C) No plinking, firearms practice, or target shooting is allowed within the area.

~~(66)~~(60) King Clone Ecological Reserve, San Bernadino County.

~~(67)~~(61) Laguna Laurel Ecological Reserve, Orange County.

~~(68)~~(62) Lake Hodges Ecological Reserve, San Diego County.

~~(69)~~(63) Lake Mathews Ecological Reserve, Riverside County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) No person except as provided in subsection (a)(10) and employees and consultants of Metropolitan Water District and member public agencies of the District, in the performance of customary reservoir maintenance activities or other official duties, may enter or utilize boats, aircraft or motor vehicles within this reserve.

(C) All fishing is prohibited.

(D) Collections may be made by the department for the purposes of fish and wildlife management, or by Metropolitan Water District for the purpose of water quality testing.

(E) The department and Metropolitan Water District may carry out management activities necessary to ensure water quality and the proper operation and maintenance of Lake Mathews as a water supply facility and natural area. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, rodent control and use of associated equipment.

~~(70)~~(64) Leek Springs Ecological Reserve, El Dorado County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission from the regional manager.

(B) All fishing is prohibited.

- (C) Pets are prohibited from entering the reserve.
- (D) Vehicles are prohibited, except for use by adjacent landowners and their invitees, United States Forest Service personnel, fire personnel or other authorized persons who may only use the road easement which bisects the property.
- (E) Horses and bicycles are prohibited.
- ~~(71)~~(65) Limestone Salamander Ecological Reserve, Mariposa County.
- (A) No person, except as provided in subsection (a)(10), shall enter this reserve.
- ~~(72)~~(66) Little Butte Ecological Reserve, Mendocino County.
- ~~(73)~~(67) Little Red Mountain Ecological Reserve, Mendocino County.
- ~~(74)~~(68) Loch Lomond Vernal Pool Ecological Reserve, Lake County.
- ~~(75)~~(69) Lokern Ecological Reserve, Kern County.
- (A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.
- (B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.
- ~~(76)~~(70) Macklin Creek Ecological Reserve, Nevada County.
- (A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission from the regional manager.
- (B) All fishing is prohibited.
- ~~(77)~~(71) Magnesia Spring Ecological Reserve, Riverside County.
- (A) No person, except as provided in subsection (a)(10), and employees of the City of Rancho Mirage in the performance of their official duties shall enter this reserve during the period June 15 to September 30.
- (B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.
- (C) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.
- ~~(78)~~(72) Marin Islands Ecological Reserve, Marin County.
- ~~(79)~~(73) Mattole River Ecological Reserve, Mendocino County.
- ~~(80)~~(74) McGinty Mountain Ecological Reserve, San Diego County.
- ~~(81)~~(75) Meadowbrook Ecological Reserve, San Diego County.
- ~~(82)~~(76) Moro Cojo Ecological Reserve, Monterey County.
- ~~(83)~~(77) Morro Dunes Ecological Reserve, including the Bayview Unit, San Luis Obispo County.
- ~~(84)~~(78) Morro Rock Ecological Reserve, San Luis Obispo County.
- (A) No person shall enter into or upon this reserve for any purpose except as follows:
1. For the purpose of fishing and sightseeing, persons may enter upon that portion of Morro Rock between the low tide mark and a point ten (10) feet in elevation above the mean high tide mark.
  2. Those persons provided for in subsection (a)(10), and employees of the Department of Parks and Recreation may enter the reserve in the performance of their official duties.
- ~~(85)~~(79) Napa River Ecological Reserve, Napa County.
- (A) Grazing is permitted under a permit from the department.
- (B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.
- (C) Swimming is permitted.

(D) The possession and/or consumption of alcoholic beverages is prohibited.  
~~(86)~~(80) North Table Mountain Ecological Reserve, Butte County.  
 (A) Horses and bicycles are prohibited from entering the reserve.  
 (B) Livestock grazing for habitat management is permitted under permit from the department.

(C) Hunting is permitted for deer and upland game in accordance with the general hunting regulations through November 15. Hunting is prohibited after November 15 and through the spring turkey season.  
~~(87)~~(81) Oasis Springs Ecological Reserve, Riverside County.  
 (A) All fishing is prohibited.  
 (B) Hunting shall be permitted in accordance with general hunting regulations.  
~~(88)~~(82) Offshore Rocks and Pinnacles, coastal counties.  
~~(89)~~(83) Otay Mountain Ecological Reserve, San Diego County.  
 (A) Hunting shall be allowed in accordance with the general hunting regulations and the Bureau of Land Management's Wilderness Area Restrictions.  
~~(90)~~(84) Owl Creek Ecological Reserve, Humboldt County.  
~~(91)~~(85) Panoche Hills Ecological Reserve, Fresno County.  
 (A) Grazing may be allowed under permit from the department.  
 (B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms.  
 (C) No plinking, firearms practice, or target shooting is allowed within the area.  
~~(92)~~(86) Peytonia Slough Ecological Reserve, Solano County.  
 (A) Fishing shall be permitted from boats as well as from shore.  
 (B) Swimming, wading and diving shall be permitted within the reserve.  
 (C) Boats may be operated within the reserve; however, only lightweight, hand-carried boats may be launched within the reserve.

~~(93)~~(87) Pilgrim Creek Ecological Reserve, San Diego County.  
~~(94)~~(88) Phoenix Field Ecological Reserve, Sacramento County.  
 (A) No person, except as provided in subsection (a)(10), shall enter this reserve.  
~~(95)~~(89) Pine Hill Ecological Reserve, El Dorado County including the Salmon Falls Unit.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.  
 (B) No horses are permitted within the boundaries of the reserve.  
~~(96)~~(90) Pismo Lake Ecological Reserve, San Luis Obispo County.  
 (A) All fishing is prohibited.  
~~(97)~~(91) Piute Creek Ecological Reserve, San Bernardino County.  
 (A) Hunting shall be allowed in accordance with the general hunting regulations.  
~~(98)~~(92) Plaisted Creek Ecological Reserve, San Diego County.  
~~(99)~~(93) Pleasant Valley Ecological Reserve, Fresno County.  
 (A) Grazing may be allowed under permit from the department.  
 (B) Hunting may be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.  
~~(100)~~ Point Lobos Ecological Reserve, Monterey County.  
~~(A) All fishing is prohibited.~~  
~~(B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.~~  
~~(101)~~(94) Quail Hollow Ecological Reserve, Santa Cruz County.



~~(402)~~(95) Quail Ridge Ecological Reserve, Napa County.

(A) No person, except as provided in subsection (a)(10) shall enter this reserve without permission from the department.

(B) Hunting will be permitted only as specially authorized hunts determined by the department.

~~(403)~~(96) Rancho Jamul Ecological Reserve, including the Headquarters Unit, San Diego County.

(A) Controlled retriever training may be permitted within a designated area. This area shall be clearly posted.

(B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(C) Within the 50.51 acre Headquarters Unit, the Department may develop facilities and conduct activities consistent with training programs, meeting and storage needs, fire suppression and control, and educational programs under guidelines established by the regional manager.

(D) Uses associated with occupied state housing shall be allowed within the 50.51 acre Headquarters Unit.

~~(404)~~(97) Redwood Shores Ecological Reserve, San Mateo County.

(A) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.

(B) Swimming, wading and diving shall be allowed within the ecological reserve.

(C) Bicycles are allowed along levee-top road system.

~~(405)~~(98) River Springs Lakes Ecological Reserve, Mono County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

~~(406)~~(99) Saline Valley Ecological Reserve, Inyo County.

(A) Hunting shall be allowed in accordance with the general hunting regulations.

~~(407)~~(100) San Bruno Mountain Ecological Reserve, San Mateo County.

~~(108) San Diego-La Jolla Ecological Reserve, San Diego County.~~

~~(A) Commercial bait fishing for squid, only by use of hand-held scoop net, is authorized offshore west of a line drawn due north from Goldfish Point. All other forms of fishing are prohibited.~~

~~(B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.~~

~~(409)~~(101) San Diego River Ecological Reserve, San Diego County.

~~(410)~~(102) San Dieguito Lagoon Ecological Reserve, San Diego County.

(A) Fishing shall be permitted from shore and from the Grand Avenue bridge.

(B) No person, except as provided in subsection 630(a)(10), shall be permitted on the California least tern nesting island.

(C) No person, except as provided in subsection 630(a)(10), shall enter this reserve between 8:00 p.m. and 5:00 a.m.

(D) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(E) Collections of fish, wildlife, water and soil may be made by the Department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

~~(111)~~(103) San Elijo Lagoon Ecological Reserve, San Diego County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

(C) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

~~(112)~~(104) San Felipe Creek Ecological Reserve, Imperial County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

~~(113)~~(105) San Joaquin River Ecological Reserve, Fresno and Madera Counties.

(A) No person shall enter into any unit of this reserve except as provided in subsection ~~a(10)~~ (a)(10), or as provided by written permission or by posted notice of the regional manager who will designate appropriate times and/or areas open to public use.

(B) The Department may carry out or cause to be carried out management activities for fish and wildlife, flood control, and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(C) Boating is permitted, subject to the limitations of subsection (A) above. Except in the execution of law enforcement, emergency services, or official duties of department employees or contractors, only lightweight, hand carried, non-gasoline powered floating devices may be launched and operated from designated launching sites. The Regional Manager or his designee may further restrict the use and operation of boats to protect the resource or provide for the orderly operation of recreational programs maintained on the area. Boating restrictions may include, but are not limited to, seasonal closures.

(D) Angling shall be permitted from boats as well as from shore, subject to the limitations in subsections (A) and (C), above.

(E) Subsection (a)(20) notwithstanding, late night or over-night use for camping and other purposes may be allowed subject to limitations in subsection (A) above.

(F) Subsection (a)(11) notwithstanding, the Department may, for management purposes, introduce or cause to be introduced nonendemic fish species which are naturalized in the San Joaquin River system, primarily to establish and maintain urban sport-fishing opportunities.

(G) Subsection (a)(17) shall not be construed to prohibit aircraft from operating within a normal flight pattern when taking off from or landing at the Sierra Skypark airport located approximately one-quarter mile south of the reserve.

(H) Grazing for vegetation management may be allowed under permit from the department.

~~(114)~~(106) San Luis Rey River Ecological Reserve, San Diego County.

~~(115)~~(107) Santa Cruz Long-toed Salamander Ecological Reserve, Santa Cruz County.

(A) No person shall enter the reserve for any purpose except as follows:

1. Those persons provided for in subsection (a)(10), and employees of the departments of Parks and Recreation and Transportation in the performance of their official duties.

~~(116)~~(108) Santa Rosa Plain Vernal Pool Ecological Reserve, Sonoma County,

including the Hall Road, Todd Road, Wikiup and Yuba Drive Units.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission of the department. Public use of a trail to be constructed on the Hall Road Unit will be allowed under conditions established by the regional manager.

(B) Ecological research and environmental education may be conducted with written permission of the department.

(C) Notwithstanding the provision of subsection (a)(15), livestock grazing may be allowed for habitat management purposes under permit from the department.

~~(117)~~(109) Santa Rosa Plateau Ecological Reserve, Riverside County.

(A) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

~~(118)~~(110) Springville Ecological Reserve, Tulare County.

(A) No person, except as provided in subsection (a)(10), shall enter between sunset and sunrise.

~~(119)~~(111) Stone Corral Ecological Reserve, Tulare County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.

~~(120)~~(112) Sycamore Canyon Ecological Reserve, Riverside County.

~~(121)~~(113) Sycuan Peak Ecological Reserve, San Diego County.

~~(122)~~(114) Table Bluff Ecological Reserve, Humboldt County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities for the preservation and expansion of the endangered western lily (*Lilium occidentale*). Authorized management activities may include, but not be limited to, controlled livestock grazing, controlled burning, chemical treatment and mechanical treatment.

(C) Except as provided in subsection (a)(10) no persons shall enter the fenced western lily area.

~~(123)~~(115) Theiller Sebastopol Meadowfoam Ecological Reserve, Sonoma County.

~~(124)~~(116) Thomes Creek Ecological Reserve, Tehama County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

~~(125)~~(117) Tomales Bay Ecological Reserve, Marin County.

(A) Waterfowl may be taken in accordance with the general waterfowl regulations.

(B) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.

(C) Swimming, wading, and diving shall be allowed within the reserve.

(D) The land area only of the reserve shall be closed to all entry from March 1 through June 30.

~~(126)~~(118) Upper Newport Bay Ecological Reserve, Orange County.

(A) Fishing shall be permitted from boats. Fishing is also permitted from shore in designated areas. Clamming or wading is not permitted.

(B) Swimming is permitted only in that area bayward from North Star Beach to mid-channel.

(C) Boating is limited to non-motorized craft, with the exception of law enforcement, emergency, and department vessels and authorized operators under permit from the regional manager. Boating shall occur in designated areas only and is limited to five miles per hour.

(D) No person shall walk, or ride horseback except on established trails, paths, or other designated areas.

(E) The County of Orange may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(427)~~(119) Walker Canyon Ecological Reserve, San Diego County.

(A) Hunting shall be allowed in accordance with the general hunting regulations.

~~(428)~~(120) Watsonville Slough Ecological Reserve, Santa Cruz County.

~~(429)~~(121) West Mojave Desert Ecological Reserve, San Bernardino County.

(A) Hunting shall be permitted in accordance with the general hunting regulations from July 1 to January 31. Only licensed hunters shall be permitted to possess firearms.

(B) No plinking, firearms practice or target shooting is allowed within the ecological reserve.

~~(430)~~(122) Woodbridge Ecological Reserve, San Joaquin County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

~~(431)~~(123) Yaudanchi Ecological Reserve, Tulare County.

(A) Grazing is permitted under a permit from the department.

(B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.

(C) No person shall walk except on established trails, paths, or other designated areas.

(D) Horses, except by written permission of the Department for the purpose of grazing, are prohibited.

~~(432)~~(124) Yorkville Ecological Reserve, Mendocino County.

#### NOTE

Authority cited: Sections 1580, 1581, 1583 and 1907, Fish and Game Code. Reference: Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, Fish and Game Code.

*Repeal section 630.5 of Title 14 of the California Code of Regulations:*

#### **§630.5. Marine Resources Protection Act Ecological Reserves.**

~~The areas specified in this chapter have been declared by the Fish and Game Commission to be Marine Resources Protection Act ecological reserves (MRPA ecological reserves) pursuant to the authority of Article XB of the California Constitution. A legal description of the boundaries of each of the four ecological reserves is on file at the Department of Fish and Game Headquarters, 1416 Ninth Street, Sacramento. The four ecological reserves identified in this chapter are established to provide for scientific research related to the management and enhancement of marine resources. In this section, the term scientific research means scientific research related to the management and enhancement of marine resources.~~

~~(a) General Rules and Regulations:~~

~~(1) Protection of Resources. No person shall disturb geologic formations or archaeological artifacts or take or disturb any plant, animal, or habitat of any plant or animal~~

~~within an MRPA ecological reserve except as authorized in conjunction with scientific research approved by the department. Prior to department approval of research proposed to be undertaken within an MRPA ecological reserve, such research shall be reviewed by the department, and by such other person(s) knowledgeable in marine resources as the Director may select. Any person(s) agreeing to assist with such review, shall do so without reimbursement.~~

~~(2) Conditioning Research. Scientific research approved within an MRPA ecological reserve may be conditioned by the department to avoid adverse effects to the reserve and other research underway within the reserve, and to assure that activities are compatible with the research purposes of the reserve and activities adjacent to the reserve.~~

~~(3) Fishing. No person shall fish within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.~~

~~(4) Collecting. No collecting shall be done in an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department. Any person collecting within an MRPA ecological reserve must have a valid scientific collecting permit issued pursuant to Subdivision 3 of this title commencing with Section 650.~~

~~(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.~~

~~(6) Boating. No person shall launch or operate a boat or other floating device within an MRPA ecological reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.~~

~~(7) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.~~

~~(8) Ejection. Employees of the department may eject any person from an MRPA ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve, persons thereon, or scientific research being conducted in the reserve are endangered.~~

~~(9) Public Entry. Public entry into an MRPA ecological reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.~~

~~(10) Introduction of Species. The release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species into an MRPA ecological reserve, is prohibited unless authorized pursuant to scientific research approved by the department.~~

~~(11) Feeding of Wildlife. The feeding of fish or wildlife is prohibited except as authorized pursuant to scientific research approved by the department.~~

~~(12) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in MRPA ecological reserves except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(13) Litter. No person shall deposit, drop, or scatter any debris on any MRPA ecological reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(14) Aircraft. No person shall operate any aircraft or hovercraft within an MRPA ecological reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(15) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering an MRPA ecological reserve unless authorized by the department.~~

~~(16) Research. Research related to the management and enhancement of marine resources may be approved within an MRPA ecological reserve by the department.~~

~~(17) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within an MRPA Ecological Reserve.~~

~~(b) Areas and Special Regulations for Use:~~

~~(1) Punta Gorda MRPA Ecological Reserve, Humboldt County.~~

~~(A) Scientific research conducted within the King Range MRPA Ecological Reserve shall not interfere with access by land to coastal trails along the shoreline adjacent to the reserve.~~

~~(2) Big Creek MRPA Ecological Reserve, Monterey County.~~

~~(A) The Department shall only approve research within the Big Creek MRPA Ecological Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels-Hill Big Creek Reserve prior to authorizing research within the reserve.~~

~~(3) Vandenberg MRPA Ecological Reserve, Santa Barbara County.~~

~~(A) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg MRPA Ecological Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.~~

~~(4) Big Sycamore Canyon MRPA Ecological Reserve, Ventura County.~~

~~(A) The department shall notify the California Department of Parks and Recreation of scientific research approved within the Big Sycamore Canyon MRPA Ecological Reserve.~~

#### **NOTE**

Authority cited: Section 14 of Article XB of the California Constitution; and Sections 1580, 1581, 1582, 1583, 1584, 1585, 8610.9 and 8610.14, Fish and Game Code. Reference: Section 14 of Article XB of the California Constitution; and Sections 1580, 1581, 1582, 1583, 1584, 1585, 8610.9 and 8610.14, Fish and Game Code.

*Amend section 632 of Title 14 of the California Code of Regulations to read:*

#### **§632. Marine Protected Areas and Special Closures.**

The areas specified in this section have been declared by the commission to be Marine Protected Areas ~~marine protected areas or special closures~~. Public use of Marine Protected Areas ~~marine protected areas or special closures~~ shall be compatible with the primary purposes of such areas, and subject to the following applicable general rules and regulations, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as Marine Protected Areas ~~marine protected~~

areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

(a) General Rules and Regulations:

(1) Protection of Resources.

(A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a permit or specific authorization from the commission for research, restoration, or monitoring purposes.

(B) State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the commission as specified in subsection 632(b), areas and special regulations for use. The commission may permit research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

~~(B)~~(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The commission may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

(2) Pelagic Finfish. Pelagic finfish, for the purpose of this section, are defined as: northern anchovy (*Engraulis mordax*), barracudas (~~*Sphyrna sp.*~~)(*Sphyrna spp.*), billfishes\* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (~~family Scombridae~~)(family Scombridae), and yellowtail (*Seriola lalandi*). \*Marlin is not allowed for commercial take.

(3) Access. Access into ~~Marine Protected Areas~~marine protected areas for non-consumptive uses including but not limited to swimming, surfing, diving, boating, hiking and walking is allowed unless otherwise specified in subsection 632(b), areas and special regulations for use.

(4) Ejection. Employees of the department may eject any person from a ~~Marine Protected Area~~marine protected area for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ~~Marine Protected Area~~marine protected area, its associated flora and fauna, or persons thereon is endangered.

(5) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species to ~~Marine Protected Areas~~marine protected areas for management purposes.

(6) Feeding of Wildlife. The feeding of wildlife is prohibited.

(7) Anchoring. Vessels shall be allowed to anchor in any ~~Marine Protected Area~~marine protected area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear ~~must~~ shall be stowed and not in use while anchored in a ~~Marine Protected Area~~state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall be stowed and not in

use while anchored in a state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

(8) Transit. Vessels shall be allowed to transit through ~~Marine Protected Areas~~ marine protected areas with catch onboard. ~~provided fishing gear is stowed and not in use~~ Fishing gear shall be stowed and not in use while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall be stowed and not in use while transiting through a state marine park or state marine conservation area.

(b) Areas and Special Regulations for Use:

~~(1) Santa Barbara Island State Marine Reserve. This area is bounded by the mean high tide line, the three nautical mile offshore boundary and the following points:~~

~~33° 28.5' N. lat. 119° 01.7' W. long.;~~

~~33° 28.5' N. lat. 118° 58.2' W. long.;~~

~~33° 24.9' N. lat. 119° 02.2' W. long.;~~

~~33° 27.9' N. lat. 119° 02.2' W. long.~~

~~(2) Anacapa Island State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 04' N. lat. 119° 24.6' W. long.;~~

~~34° 04' N. lat. 119° 21.4' W. long.;~~

~~34° 01.2' N. lat. 119° 21.4' W. long.;~~

~~34° 00.4' N. lat. 119° 24.6' W. long.~~

~~(3) Anacapa Island State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:~~

~~34° 04' N. lat. 119° 26.7' W. long.;~~

~~34° 04' N. lat. 119° 24.6' W. long.;~~

~~34° 00.4' N. lat. 119° 24.6' W. long.;~~

~~34° 00.8' N. lat. 119° 26.7' W. long.~~

~~(A) No take of living or non-living marine resources is allowed except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish (632(a)(2) and the commercial take of spiny lobster.~~

~~(B) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.~~

~~(C) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 345 magnetic off Portuguese Rock to a line extending 345 magnetic off the western edge of Frenchy's Cove, a distance of approximately 4,000 feet. No person except department employees or employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.~~

~~(4) Scorpion (Santa Cruz Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 06.2' N. lat. 119° 35.5' W. long.;~~

~~34° 06.2' N. lat. 119° 32.8' W. long.;~~

~~34° 02.8' N. lat. 119° 32.8' W. long.;~~

~~34° 02.9' N. lat. 119° 35.5' W. long.~~

~~(5) Painted Cave (Santa Cruz Island) State Marine Conservation Area. This area is bounded by the mean high tide line, the one nautical mile offshore boundary, and the following points:~~



~~34° 05.2' N. lat. 119° 53' W. long.;~~

~~34° 05' N. lat. 119° 51' W. long.;~~

~~34° 04' N. lat. 119° 51' W. long.;~~

~~34° 04.5' N. lat. 119° 53' W. long.~~

~~(A) No take of living or non-living marine resources is allowed except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish (632(a)(2)).~~

~~(6) Gull Island (Santa Cruz Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~33° 58' N. lat. 119° 53' W. long.;~~

~~33° 58' N. lat. 119° 51' W. long.;~~

~~33° 57.7' N. lat. 119° 48' W. long.;~~

~~33° 55.2' N. lat. 119° 48' W. long.;~~

~~33° 55.2' N. lat. 119° 53' W. long.~~

~~(7) Carrington Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 04' N. lat. 120° 5.2' W. long.;~~

~~34° 04' N. lat. 120° 01' W. long.;~~

~~34° 00.5' N. lat. 120° 01' W. long.;~~

~~34° 00.5' N. lat. 120° 02.8' W. long.;~~

~~34° 01.3' N. lat. 120° 05.2' W. long.~~

~~(8) Skunk Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~33° 59' N. lat. 119° 58.8' W. long.;~~

~~33° 59' N. lat. 119° 58' W. long.;~~

~~33° 57.1' N. lat. 119° 58' W. long.;~~

~~33° 57.1' N. lat. 119° 58.2' W. long.~~

~~(9) South Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~33° 55' N. lat. 120° 10' W. long.;~~

~~33° 53.8' N. lat. 120° 06.5' W. long.;~~

~~33° 51.4' N. lat. 120° 10' W. long.;~~

~~33° 51.4' N. lat. 120° 06.5' W. long.~~

~~(10) Harris Point (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 06' N. lat. 120° 23.3' W. long.;~~

~~34° 06' N. lat. 120° 18.4' W. long.;~~

~~34° 01.8' N. lat. 120° 18.4' W. long.;~~

~~34° 03.1' N. lat. 120° 23.3' W. long.~~

~~(A) An exemption to the reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high tide line in Cuyler Harbor and a line between the following points:~~

~~34° 03.5' N. lat. 120° 21.3' W. long.;~~

~~34° 02.9' N. lat. 120° 20.2' W. long.~~

~~(B) Boating is permitted at San Miguel Island except west of a line drawn between Judith Rock and Castle Rock where boats are prohibited closer than 300 yards from shore. Boats may be anchored overnight only at Tyler Bight and Cuyler Harbor. Boats traveling within 300 yards of shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed speeds of five miles per hour. Landing is allowed on San Miguel Island by permit~~

~~only at the designated landing beach in Cuyler Harbor. No person shall have access to all other offshore rocks and islands in the reserve.~~

~~1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:~~

~~a. Boats may approach San Miguel Island no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and~~

~~b. Boats operated by commercial sea urchin boat operators who have been issued permits by the department to take sea urchins from the Point Bennett area of San Miguel Island may enter any waters of the 300-yard area between Judith Rock and Castle Rock for the purpose of fishing sea urchins during the period(s) March 15 through April 30, and October 1 through December 15.~~

~~2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is imminent. Immediately following such closure, the department will request the commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.~~

~~(11) Richardson Rock (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 08.4' N. lat. 120° 34.2' W. long.;~~

~~34° 08.4' N. lat. 120° 28.2' W. long.;~~

~~34° 03.6' N. lat. 120° 28.2' W. long.;~~

~~34° 03.6' N. lat. 120° 34.2' W. long.~~

~~(12) Judith Rock (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:~~

~~34° 01.8' N. lat. 120° 26.6' W. long.;~~

~~34° 01.5' N. lat. 120° 25.3' W. long.;~~

~~33° 58.5' N. lat. 120° 25.3' W. long.;~~

~~33° 58.5' N. lat. 120° 26.5' W. long.~~

(1) Punta Gorda State Marine Reserve. This area is bounded by the three-fathom inshore depth contour, the 30-fathom depth contour and the following points:

40° 16.43' N. lat. 124° 22' W. long.;

40° 16.43' N. lat. 124° 23.50' W. long.;

40° 14.83' N. lat. 124° 23.18' W. long.; and

40° 15.23' N. lat. 124° 21.62' W. long.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Punta Gorda State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Punta Gorda State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and

employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(F) Litter. No person shall deposit, drop, or scatter any debris on the Punta Gorda State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(G) Aircraft. No person shall operate any aircraft or hovercraft within the Punta Gorda State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Punta Gorda State Marine Reserve unless authorized by the department.

(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Punta Gorda State Marine Reserve.

(J) Scientific research conducted within the Punta Gorda State Marine Reserve shall not interfere with access by land to coastal trails along the shoreline adjacent to the reserve.

(2) MacKerricher State Marine Conservation Area. This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 29.81' N. lat. 123° 47.5' W. long.;

39° 29.95' N. lat. 123° 47.8' W. long.;

39° 27.62' N. lat. 123° 48.8' W. long.; and

39° 27.55' N. lat. 123° 48.52' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(3) Point Cabrillo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and the following points:

39° 21.24' N. lat. 123° 49.25' W. long.;

39° 21.33' N. lat. 123° 49.64' W. long.;

39° 20.66' N. lat. 123° 49.68' W. long.; and

39° 20.57' N. lat. 123° 49.27' W. long.

(A) Take of all living marine resources is prohibited except the commercial take of finfish and marine aquatic plants.

(4) Russian Gulch State Marine Conservation Area. This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 19.86' N. lat. 123° 48.84' W. long.;

39° 19.85' N. lat. 123° 48.89' W. long.;

39° 19.52' N. lat. 123° 48.46' W. long.; and

39° 19.52' N. lat. 123° 48.23' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(5) Van Damme State Marine Conservation Area. This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 16.45' N. lat. 123° 47.6' W. long.;

39° 16.355' N. lat. 123° 47.6' W. long.;

39° 16.27' N. lat. 123° 47.545' W. long.; and

39° 16.27' N. lat. 123° 47.43' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(6) Manchester and Arena Rock State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

39° 00.3' N. lat. 123° 41.9' W. long.;

39° 00.3' N. lat. 123° 44.4' W. long.;

38° 58.3' N. lat. 123° 45.6' W. long.; and

38° 57.5' N. lat. 123° 43.7' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(7) Del Mar Landing State Marine Park. This area is bounded by the mean high tide line and the following points:

38° 44.44' N. lat. 123° 30.81' W. long.;  
38° 44.32' N. lat. 123° 30.95' W. long.;  
38° 44.25' N. lat. 123° 30.64' W. long.;  
38° 44.28' N. lat. 123° 30.49' W. long.; and  
38° 44.40' N. lat. 123° 30.37' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear.

(8) Salt Point State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

38° 35.18' N. lat. 123° 20.49' W. long.;  
38° 34.40' N. lat. 123° 21.35' W. long.;  
38° 33.05' N. lat. 123° 19.58' W. long.; and  
38° 33.55' N. lat. 123° 18.99' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(9) Gerstle Cove State Marine Conservation Area. This area lies within the Salt Point State Marine Conservation Area and is bounded by the mean high tide line and the following points:

38° 33.93' N. lat. 123° 19.85' W. long.; and  
38° 33.93' N. lat. 123° 19.65' W. long.

(A) Take of all living marine resources is prohibited except the commercial take of finfish and algae except giant kelp and bull kelp.

(10) Fort Ross State Marine Conservation Area. This area is bounded by the mean high tide line, the 3-fathom depth contour, and the following points:

38° 30.71' N. lat. 123° 15.14' W. long.;  
38° 30.57' N. lat. 123° 15.29' W. long.;  
38° 30.35' N. lat. 123° 14.50' W. long.; and  
38° 30.61' N. lat. 123° 14.16' W. long.

(A) No recreational take of living or non-living marine resources is allowed except: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. Commercial take of species other than giant kelp and bull kelp is allowed.

(11) Sonoma Coast State Marine Conservation Area. This area is bounded by the mean high tide line, the 3-fathom depth contour, and the following points:

38° 22.55' N. lat. 123° 04.64 W. long.;  
38° 22.54' N. lat. 123° 04.78' W. long.;  
38° 19.50' N. lat. 123° 04.80' W. long.; and

38° 19.40' N. lat. 123° 04.70' W. long.

(A) No recreational take of living or non-living marine resources is allowed except: finfish, red abalone, chiones, clams, cockles crabs, ghost shrimp, mussels, native oysters, rock scallops, sea urchins and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. Commercial take of species other than giant kelp and bull kelp is allowed.

(12) Bodega State Marine Reserve. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and the following points:

38° 19.38' N. lat. 123° 04.47' W. long.;

38° 19.57' N. lat. 123° 04.71' W. long.;

38° 18.56' N. lat. 123° 04.33' W. long.; and

38° 18.71' N. lat. 123° 04.15' W. long.

(A) In the Bodega State Marine Reserve licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

(B) The director of the Bodega State Marine Reserve may authorize any person to enter the Reserve for the purpose of taking fish, invertebrates, or marine plants for scientific study and to take or possess fish, invertebrates, or marine plants for scientific study.

(C) Except as permitted by federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in the Bodega State Marine Reserve without authorization from the reserve director for the purpose of scientific study.

(13) Tomales Bay State Marine Park. This area is bounded by the mean high tide line of Tomales Bay southeastward of a line drawn between the following two points:

38° 05.73' N. lat. 122° 49.84' W. long.; and

38° 05.45' N. lat. 122° 50.57' W. long.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

(B) Only lightweight, hand-carried boats may be launched or operated within the park.

(14) Point Reyes Headlands State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore and the following points:

37° 59.73' N. lat. 123° 01.46' W. long.;

37° 59.73' N. lat. 123° 01.68' W. long.;

37° 59.40' N. lat. 122° 57.60' W. long.; and

37° 59.40' N. lat. 122° 57.81' W. long.

(A) Take of all living marine resources is prohibited except the commercial take of finfish and algae other than giant kelp and bull kelp.

(15) Estero de Limantour State Marine Conservation Area. This area consists of waters below the mean high tide line within Estero de Limantour eastward of a line drawn between the following two points:

38° 01.97' N. lat. 122° 55.97' W. long.; and

38° 02.33' N. lat. 122° 55.97' W. long.

(A) Take of all living marine resources is prohibited except the commercial take of finfish and algae other than giant kelp and bull kelp.

(16) Duxbury Reef State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore and the following points:

37° 55.52' N. lat. 122° 44.17' W. long.;

37° 55.42' N. lat. 122° 44.31' W. long.;

37° 53.65' N. lat. 122° 41.91' W. long.; and  
37° 53.77' N. lat. 122° 42.02' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: Red abalone, dungeness crabs, rock crabs, rockfish (family Scorpaenidae), lingcod, cabezon, surfperch (family Embiotocidae), halibut, flounder, sole, turbot, salmon, kelp greenling, striped bass, steelhead, monkeyface-eel, wolf-eel, smelt, and silversides.

2. Commercial take of species other than giant kelp and bull kelp is allowed.

(17) Farallon Islands State Marine Conservation Area. This area is bounded by the mean high tide line and a distance of 1 nautical mile offshore Southeast Farallon and North Farallon Islands.

(A) Take other than the recreational take of marine aquatic plants is permitted except within the areas described in this section during the stated timeframes.

(B) Except as specifically prohibited under this section, boating, sport and commercial fishing, swimming, and skin and SCUBA diving are permitted within the ecological reserve, which extends one nautical mile from the coastline of Southeast Farallon and North Farallon Islands.

(C) All vessels shall observe a five (5) nautical mile per hour speed limit within 1,000 feet of any shoreline in the reserve.

(D) All commercial abalone and sea urchin diving vessels operating in the reserve shall terminate their vessel engine exhaust system either through a muffler for dry exhaust systems, or below the vessel waterline for wet exhaust systems.

(E) All commercial abalone and sea urchin diving vessels equipped with an open, deck-mounted air compressor system, while operating in the reserve, shall have the air compressor's engine exhaust system terminate below the vessel waterline.

(F) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline of any of the four islets comprising the North Farallons, including North Farallon, the Island of St. James and the two unnamed islets located between them, in the vicinity of 37° 46' N. lat. 123° 06' W. long., except in the area beginning at a line extending due west magnetic from the northernmost point of land on North Farallon and continuing clockwise to a line drawn due west magnetic from the southernmost point of land on North Farallon and in the area beginning at a line drawn due west magnetic from the northernmost point of land on the northernmost of the two unnamed islets extending clockwise to a line drawn due south magnetic from the southernmost point of land on that islet.

(G) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline in the area beginning at the south end of Jordan Channel, westward around Indian Head, then generally northward past Great Arch Rock, then generally following the shoreline to a line extending due west from the northernmost point of land on Sugarloaf Island or in the area from the east end of Mussel Flat, generally southward to the northeasternmost point of land on Saddle Rock (Seal Rock) then generally southwest along the northerly shoreline of Saddle Rock to the southwesternmost point of land on Saddle Rock and continuing generally northward to the west end of Mussel Flat, both areas at Southeast Farallon Island.

(H) Nothing in this section shall prohibit emergency anchorage or vessel operation necessary to protect property or human life.

(18) Fagan Marsh State Marine Park. This area consists of waters below the mean high tide line within the Fagan Marsh Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

(B) Only lightweight, hand-carried boats may be launched or operated within the park.

(19) Peytonia Slough State Marine Park. This area consists of waters below the mean high tide line within the Peytonia Slough Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

(B) Only lightweight, hand-carried boats may be launched or operated within the park.

(20) Corte Madera Marsh State Marine Park. This area consists of waters below the mean high tide line within the Corte Madera Marsh Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

(B) Only lightweight, hand-carried boats may be launched or operated within the park.

(C) Swimming, wading, and diving are prohibited within the park.

(21) Marin Islands State Marine Park. This area consists of waters below the mean high tide line within the Marin Islands Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(22) Albany Mudflats State Marine Park. This area consists of waters below the mean high tide line within the Albany Mudflats Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(23) Robert W. Crown State Marine Conservation Area. This area is bounded by the mean high tide line and a distance of 150 feet offshore between the following points:

37° 45.97' N. lat. 122° 16.84' W. long.; and

37° 45.95' N. lat. 122° 16.52' W. long.

(A) Take of all living marine resources is prohibited except:

1. Finfish may be taken recreationally by hook and line only.

2. Finfish and kelp may be taken commercially.

(24) Redwood Shores State Marine Park. This area consists of waters below the mean high tide line within the Redwood Shores Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

(B) Only lightweight, hand-carried boats may be launched or operated in within the park.

(25) Bair Island State Marine Park. This area consists of waters below the mean high tide line within the Bair Island Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than kelp from shore only.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(C) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall enter this park during the period February 15 through May 20.

(26) James V. Fitzgerald State Marine Park. This area is bounded by the mean high tide line, a distance of 1000 feet offshore and the following points:

37° 32.68' N. lat. 122° 31.00' W. long.;



37° 32.75' N. lat. 122° 31.18' W. long.;  
37° 29.73' N. lat. 122° 30.13' W. long.; and  
37° 29.74' N. lat. 122° 29.90' W. long.

(A) Take of all living marine resources is prohibited except the recreational take by hook and line or spear of: rockfish (family Scorpaenidae), lingcod, surfperch (family Embiotocidae), monkeyface eel, rock eel, white croaker, halibut, cabezon, kelp greenling, and smelt (Families Osmeridae and Atherinidae).

(27) Special Closure: Año Nuevo Invertebrate Area. This area is bounded by the mean high tide line and the following points within the Año Nuevo State Reserve:

37° 09.87' N. lat. 122° 21.76' W. long; and  
37° 06.98' N. lat. 122° 18.37' W. long.

(A) No invertebrates shall be taken except:

1. Recreational take of invertebrates is allowed except between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30.

2. Commercial take of the following invertebrates is allowed: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up remove or destroy any rocks or other substrate or surfaces to which organisms are attached.

(B) Public access restrictions are subject to change; contact the Año Nuevo State Reserve office prior to entry.

(28) Elkhorn Slough State Marine Reserve. This area is bounded by the mean high tide line and the 1.5-fathom depth contour within the Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve).

(A) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(29) Hopkins State Marine Reserve. This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points:

36° 37.25' N. lat. 121° 54.50' W. long.;  
36° 37.63' N. lat. 121° 54.34' W. long.;  
36° 37.22' N. lat. 121° 53.85' W. long.; and  
36° 37.10' N. lat. 121° 54.09' W. long.

(A) The director of the Hopkins State Marine Reserve, or any person to whom the director of the reserve has issued a permit, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department or the director of the reserve.

(30) Pacific Grove State Marine Conservation Area. This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points:

36° 37.09' N. lat. 121° 56.49' W. long.;  
36° 37.34' N. lat. 121° 57.34' W. long.;  
36° 37.63' N. lat. 121° 54.34' W. long.; and  
36° 37.25' N. lat. 121° 54.50' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, and invertebrates other than mollusks or crustaceans.

2. Only the following species may be taken commercially by ring net, lampara net, or bait net: sardines, mackerel, anchovies, squid, and herring.

(31) Carmel Bay State Marine Conservation Area. This MPA is comprised of two areas. The first is bounded by the mean high tide line, and a straight line connecting the following points:

36° 33.64' N. lat. 121° 57.07' W. long.; and

36° 31.40' N. lat. 121° 56.17' W. long.

The second consists of waters shallower than 15 fathoms within an area bounded by straight lines connecting the following points in the order listed:

36° 33.65' N. lat. 121° 58.40' W. long.;

36° 33.65' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 58.40' W. long.; and

36° 33.65' N. lat. 121° 58.40' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook-and-line or spear and the commercial take of kelp under the following conditions:

1. Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.

2. If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice, the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.

3. Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of bull kelp (*Nereocystis spp.*).

4. Any licensed person or company intending to harvest kelp within the conservation area shall give the department's marine region manager, or designee, at least 48 hours written or oral notice of the intention to harvest. At the option of the department, the licensed person or company shall allow an observer selected by the department to accompany the harvester during such harvest.

5. Not more than 50 percent (50%) of the kelp within Administrative Kelp Bed 219 shall be harvested in any four-month period.

(32) Point Lobos State Marine Reserve. This area is bounded by the mean high tide line and the following points:

36° 31.40' N. lat. 121° 56.17' W. long.;

36° 31.60' N. lat. 121° 56.27' W. long.;

36° 31.50' N. lat. 121° 57.63' W. long.;

36° 30.81' N. lat. 121° 57.99' W. long.;

36° 30.33' N. lat. 121° 56.69' W. long.; and

36° 30.33' N. lat. 121° 56.33' W. long.

(A) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

(33) Julia Pfeiffer Burns State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

36° 10.50' N. lat. 121° 41.90' W. long.;  
36° 09.60' N. lat. 121° 42.40' W. long.;  
36° 08.30' N. lat. 121° 40.80' W. long.;  
36° 09.20' N. lat. 121° 40.25' W. long.; and  
36° 09.25' N. lat. 121° 40.05' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(34) Big Creek State Marine Reserve. This area is bounded by the mean high tide line, the 50-fathom depth contour, and the following points:

36° 05.31' N. lat. 121° 37.10' W. long.;  
36° 05.31' N. lat. 121° 38.24' W. long.;  
36° 03.65' N. lat. 121° 37.04' W. long.; and  
36° 03.65' N. lat. 121° 35.50' W. long.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Creek State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Big Creek State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(F) Litter. No person shall deposit, drop, or scatter any debris on the Big Creek State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(G) Aircraft. No person shall operate any aircraft or hovercraft within the Big Creek State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Creek State Marine Reserve unless authorized by the department.

(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, to conduct marine-related research within the Big Creek State Marine Reserve.

(J) The Department shall only approve research within the Big Creek State Marine Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels-Hill Big Creek Reserve prior to authorizing research within the reserve.

(35) Atascadero Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:

35° 23.64' N. lat. 120° 51.98' W. long.;

35° 23.50' N. lat. 120° 55.98' W. long.;

35° 22.10' N. lat. 120° 56.07' W. long.; and

35° 22.19' N. lat. 120° 52.20' W. long.;

(A) Take of clams is prohibited. Take of other living marine resources is allowed.

(36) Morro Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:

35° 18.79' N. lat. 120° 52.30' W. long.;

35° 19.96' N. lat. 120° 55.90' W. long.;

35° 18.40' N. lat. 120° 56.35' W. long.; and

35° 17.13' N. lat. 120° 53.06' W. long.

(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.

(37) Pismo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and the following points:

35° 07.65' N. lat. 120° 38.28' W. long.;

35° 07.60' N. lat. 120° 38.51' W. long.;

35° 07.28' N. lat. 120° 38.39' W. long.; and

35° 07.33' N. lat. 120° 38.17' W. long.

(A) Take of all invertebrates and marine aquatic plants is prohibited except the commercial take of algae other than giant kelp and bull kelp.

(38) Pismo-Oceano Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:

35° 01.81' N. lat. 120° 38.07' W. long.;

35° 02.50' N. lat. 120° 41.69' W. long.;

34° 59.35' N. lat. 120° 42.50' W. long.; and

34° 58.48' N. lat. 120° 38.88' W. long.

(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.

(39) Vandenberg State Marine Reserve. This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points:

34° 36.27' N. lat. 120° 38.54' W. long.;

34° 35.82' N. lat. 120° 39.22' W. long.;

34° 33.03' N. lat. 120° 38.45' W. long.; and

34° 33.36' N. lat. 120° 37.60' W. long.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Vandenberg State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(F) Litter. No person shall deposit, drop, or scatter any debris on the Vandenberg State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(G) Aircraft. No person shall operate any aircraft or hovercraft within the Vandenberg State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Vandenberg State Marine Reserve unless authorized by the department.

(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within the Vandenberg State Marine Reserve.

(J) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg State Marine Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.

(40) Refugio State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

34° 27.63' N. lat. 120° 05.32' W. long.;

34° 27.34' N. lat. 120° 05.75' W. long.;

34° 27.34' N. lat. 120° 02.75' W. long.; and

34° 27.76' N. lat. 120° 02.75' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, kelp, squid and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(41) Goleta Slough State Marine Park. This area consists of waters below the mean high tide line within the Goleta Slough Ecological Reserve:

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from designated areas.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(C) No person shall enter this reserve and remain therein except on established trails, paths or other designated areas except department employees or designated employees of Santa Barbara Airport, City of Santa Barbara and Goleta Valley Mosquito Abatement District for the purposes of carrying out official duties.

(42) Richardson Rock (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 08.4' N. lat. 120° 34.2' W. long.;

34° 08.4' N. lat. 120° 28.2' W. long.;

34° 03.6' N. lat. 120° 28.2' W. long.;

34° 03.6' N. lat. 120° 34.2' W. long.; and

34° 08.4' N. lat. 120° 34.2' W. long.

(43) Harris Point (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

34° 06' N. lat. 120° 23.3' W. long.;

34° 06' N. lat. 120° 18.4' W. long.;

34° 01.8' N. lat. 120° 18.4' W. long.; and

34° 03.1' N. lat. 120° 23.3' W. long.

(A) An exemption to the reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high tide line in Cuyler Harbor and a line between the following points:

34° 03.5' N. lat. 120° 21.3' W. long.; and

34° 02.9' N. lat. 120° 20.2' W. long.

(B) Boating is permitted at San Miguel Island except west of a line drawn between Judith Rock and Castle Rock where boats are prohibited closer than 300 yards from shore. Except as permitted by federal law or emergency caused by hazardous weather, boats may be anchored overnight only at Tyler Bight and Cuyler Harbor. Boats traveling within 300 yards of shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed

speeds of five miles per hour. Landing is allowed on San Miguel Island by permit only at the designated landing beach in Cuyler Harbor. No person shall have access to all other offshore rocks and islands in the reserve.

1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:

a. Boats may approach San Miguel Island no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and

b. Boats operated by commercial sea urchin boat operators who have been issued permits by the department to take sea urchins from the Point Bennett area of San Miguel Island may enter any waters of the 300-yard area between Judith Rock and Castle Rock for the purpose of fishing sea urchins during the period(s) March 15 through April 30, and October 1 through December 15.

2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is imminent. Immediately following such closure, the department will request the commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

(44) Judith Rock (San Miguel Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

34° 01.8' N. lat. 120° 26.6' W. long.;

34° 01.5' N. lat. 120° 25.3' W. long.;

33° 58.5' N. lat. 120° 25.3' W. long.; and

33° 58.5' N. lat. 120° 26.6' W. long.

(45) Carrington Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

34° 04' N. lat. 120° 5.2' W. long.;

34° 04' N. lat. 120° 01' W. long.;

34° 00.5' N. lat. 120° 01' W. long.;

34° 00.5' N. lat. 120° 02.8' W. long.; and

34° 01.3' N. lat. 120° 05.2' W. long.

(46) Skunk Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

33° 59' N. lat. 119° 58.8' W. long.;

33° 59' N. lat. 119° 58' W. long.;

33° 57.1' N. lat. 119° 58' W. long.; and

33° 57.1' N. lat. 119° 58.2' W. long.

(47) South Point (Santa Rosa Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

33° 55' N. lat. 120° 10' W. long.;

33° 53.8' N. lat. 120° 06.5' W. long.;

33° 51.4' N. lat. 120° 06.5' W. long.; and

33° 51.4' N. lat. 120° 10' W. long.

(48) Painted Cave (Santa Cruz Island) State Marine Conservation Area. This area is bounded by the mean high tide line, the one nautical mile offshore boundary, and the following points:

34° 05.2' N. lat. 119° 53' W. long.;

34° 05' N. lat. 119° 51' W. long.;

34° 04' N. lat. 119° 51' W. long.; and

34° 04.5' N. lat. 119° 53' W. long.

(A) Take of all living marine resources is prohibited except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish [subsection 632(a)(2)].

(49) Gull Island (Santa Cruz Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

33° 58' N. lat. 119° 53' W. long.;

33° 58' N. lat. 119° 51' W. long.;

33° 57.7' N. lat. 119° 48' W. long.;

33° 55.2' N. lat. 119° 48' W. long.; and

33° 55.2' N. lat. 119° 53' W. long.

(50) Scorpion (Santa Cruz Island) State Marine Reserve. This area is bounded by the mean high tide line and the following points:

34° 06.2' N. lat. 119° 35.5' W. long.;

34° 06.2' N. lat. 119° 32.8' W. long.;

34° 02.8' N. lat. 119° 32.8' W. long.; and

34° 02.94' N. lat. 119° 35.5' W. long.

(51) Anacapa Island State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

34° 04' N. lat. 119° 26.7' W. long.;

34° 04' N. lat. 119° 24.6' W. long.;

34° 00.4' N. lat. 119° 24.6' W. long.; and

34° 00.8' N. lat. 119° 26.7' W. long.

(A) Take of all living marine resources is prohibited except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish [subsection 632(a)(2)] and the commercial take of spiny lobster.

(B) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.

(C) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 000° True off Portuguese Rock (34° 00.91' N. lat. 119° 25.26' W. long.) to a line extending 000° True off the western edge of Frenchy's Cove (34° 00.4' N. lat. 119° 24.6' W. long.), a distance of approximately 4,000 feet. No person except department employees or employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.

(52) Anacapa Island State Marine Reserve. This area is bounded by the mean high tide line and the following points:

34° 04' N. lat. 119° 24.6' W. long.;

34° 04' N. lat. 119° 21.4' W. long.;

34° 01' N. lat. 119° 21.4' W. long.; and

34° 00.4' N. lat. 119° 24.6' W. long.

(53) Big Sycamore Canyon State Marine Reserve. This area is bounded by the 5-fathom depth contour, the 20-fathom depth contour, and the following points:

34° 04.79' N. lat. 119° 02.03' W. long.;

34° 03.92' N. lat. 119° 02.70' W. long.;

34° 02.97' N. lat. 119° 00.00' W. long.; and

34° 03.86' N. lat. 119° 00.00' W. long.



(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Sycamore Canyon State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Big Sycamore Canyon State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(F) Litter. No person shall deposit, drop, or scatter any debris on the Big Sycamore Canyon State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(G) Aircraft. No person shall operate any aircraft or hovercraft within the Big Sycamore Canyon State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Sycamore Canyon State Marine Reserve unless authorized by the department.

(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Big Sycamore Canyon State Marine Reserve.

(J) The department shall notify the California Department of Parks and Recreation of scientific research approved within the Big Sycamore Canyon State Marine Reserve.

(54) Santa Barbara Island State Marine Reserve. This area is bounded by the mean high tide line, the three nautical mile offshore boundary and the following points:

33° 28.5' N. lat. 119° 01.7' W. long.;

33° 28.5' N. lat. 118° 58.2' W. long.;

33° 24.9' N. lat. 119° 02.2' W. long.; and

33° 27.9' N. lat. 119° 02.2' W. long.

(55) Abalone Cove State Marine Park. This area is bounded by the mean high tide line and the following points:

33° 44.53' N. lat. 118° 22.83' W. long.;

33° 44.47' N. lat. 118° 22.83' W. long.;

33° 44.14' N. lat. 118° 22.47' W. long.;  
33° 44.14' N. lat. 118° 22.12' W. long.; and  
33° 44.19' N. lat. 118° 22.12' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear.

(56) Point Fermin State Marine Park. This area is bounded by the mean high tide line, a distance of 600 feet offshore, and the following points:

33° 42.31' N. lat. 118° 17.57' W. long.;  
33° 42.21' N. lat. 118° 17.57' W. long.;  
33° 42.47' N. lat. 118° 17.00' W. long.; and  
33° 42.47' N. lat. 118° 17.13' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(57) Bolsa Chica State Marine Park. This area consists of waters below the mean high tide line within the Bolsa Chica Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from designated areas around outer Bolsa Bay.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(C) No person, except State and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department or employees of Signal Corporation and its invitees for the purpose of carrying out oil and gas operations, shall enter this park and remain therein except on established trails, paths, or other designated areas.

(D) No person shall enter this park between the hours of 8:00 p.m. and 6:00 a.m.

(58) Special Closure: Arrow Point to Lion Head Point (Catalina Island) Invertebrate Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore and the following points:

33° 28.64' N. lat. 118° 32.33' W. long.;  
33° 28.82' N. lat. 118° 32.33' W. long.;  
33° 27.25' N. lat. 118° 29.90' W. long.; and  
33° 27.18' N. lat. 118° 30.07' W. long.

(A) No recreational take of invertebrates is allowed.

(59) Catalina Marine Science Center State Marine Reserve. This area is bounded by the mean high tide line and the following points:

33° 26.65' N. lat. 118° 29.33' W. long.;  
33° 26.83' N. lat. 118° 29.13' W. long.;  
33° 26.96' N. lat. 118° 28.56' W. long.;  
33° 26.92' N. lat. 118° 28.53' W. long.; and  
33° 26.87' N. lat. 118° 28.62' W. long.

(A) Except as pursuant to Federal law, emergency caused by hazardous weather, or as provided in this section, it is unlawful to anchor or moor a vessel in the Catalina Marine Science Center State Marine Reserve.

(B) The director of the Catalina Marine Science Center Marine State Marine Reserve, or any person that the director of the reserve has authorized may anchor or moor a vessel or

take, for scientific purposes, any fish or specimen of marine life under the conditions prescribed by the department or the reserve director.

(60) Farnsworth Bank State Marine Conservation Area. This area consists of waters shallower than 250 feet within the area bounded by straight lines connecting the following points in the order listed:

33° 21.00' N. lat. 118° 32.00' W. long.;

33° 21.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 32.00' W. long.; and

33° 21.00' N. lat. 118° 32.00' W. long.

(A) Take of purple coral (*Stylaster californicus*) is prohibited. Take of other living marine resources is allowed.

(61) Lover's Cove State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 100 yards offshore and the following points:

33° 20.64' N. lat. 118° 19.25' W. long.;

33° 20.67' N. lat. 118° 19.20' W. long.;

33° 20.59' N. lat. 118° 18.94' W. long.; and

33° 20.56' N. lat. 118° 18.98' W. long.

(A) Take of all living marine resources is prohibited except the commercial take of finfish and kelp.

(62) Upper Newport Bay State Marine Park. This area consists of waters below the mean high tide line within the Upper Newport Bay Ecological Reserve bounded by: the southern end of Shellmaker Island (33° 37.20' N. lat. 117° 53.51' W. long.) in the south, Back Bay Drive, East Bluff Drive, and Jamboree road in the east, the 10-foot elevation in the north and west, and a line connecting North Star Beach (33° 37.38' N. lat. 117° 53.60' W. long.) to the southern end of Shellmaker Island.

(A) Take of all living marine resources is prohibited except the recreational hook and line take of species other than kelp.

(B) Swimming is permitted only in the area between North Star Beach and mid-channel.

(C) Boats are limited to speeds less than five miles per hour.

(D) Shoreline access is limited to established trails, paths, or other designated areas.

(E) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Upper Newport Bay Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(63) Robert E. Badham State Marine Park. This area is bounded by the mean high tide line, a distance of 200 feet offshore and the following points:

33° 35.42' N. lat. 117° 52.22' W. long.;

33° 35.40' N. lat. 117° 52.24' W. long.;

33° 35.03' N. lat. 117° 51.78' W. long.; and

33° 35.05' N. lat. 117° 51.74' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(64) Crystal Cove State Marine Conservation Area. This area is bounded by the mean high tide line, the 20-fathom depth contour, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;

33° 34.76' N. lat. 117° 52.32' W. long.;

33° 33.27' N. lat. 117° 49.62' W. long.; and

33° 33.40' N. lat. 117° 49.18' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(65) Irvine Coast State Marine Park. This area is bounded by the mean high tide line, a distance of 600 feet offshore, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;

33° 35.00' N. lat. 117° 51.84' W. long.;

33° 33.37' N. lat. 117° 49.28' W. long; and

33° 33.40' N. lat. 117° 49.18' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(66) Laguna Beach State Marine Park. This area is bounded by the mean high tide line, a distance of 600 feet offshore, and the following points:

33° 32.86' N. lat. 117° 48.35' W. long.;

33° 32.78' N. lat. 117° 48.45' W. long.;

33° 30.37' N. lat. 117° 45.17' W. long.; and

33° 30.43' N. lat. 117° 45.06' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(67) Heisler Park State Marine Reserve. This area is bounded by the mean high tide line and the following points:

33° 32.66' N. lat. 117° 47.61' W. long.;

33° 32.53' N. lat. 117° 47.66' W. long.;

33° 32.43' N. lat. 117° 47.26' W. long.; and

33° 32.56' N. lat. 117° 47.30' W. long.

(A) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

(68) South Laguna Beach State Marine Park. This area is bounded by the mean high tide line, the 20-foot depth contour, and the following points:

33° 30.43' N. lat. 117° 45.06' W. long.;  
33° 30.37' N. lat. 117° 45.17' W. long.;  
33° 30.04' N. lat. 117° 44.91' W. long.; and  
33° 30.15' N. lat. 117° 44.81' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(69) Niguel State Marine Park. This area is bounded by the mean high tide line, a distance of 1200 feet offshore, and the following points:

33° 29.15' N. lat. 117° 44.05' W. long.;  
33° 29.15' N. lat. 117° 44.30' W. long.;  
33° 27.74' N. lat. 117° 43.18' W. long.; and  
33° 27.74' N. lat. 117° 42.95' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(70) Dana Point State Marine Park. This area is bounded by the mean high tide line, a distance of 1200 feet offshore, and the following points:

33° 27.74' N. lat. 117° 42.95' W. long.;  
33° 27.74' N. lat. 117° 43.18' W. long.;  
33° 27.47' N. lat. 117° 42.28' W. long.; and  
33° 27.63' N. lat. 117° 42.45' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of the following species below the mean lower low-water mark: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(B) Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point State Marine Park for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof; to use or have in possession any contrivance designed to be used for catching fish; to disturb any native plant, fish, wildlife, aquatic organism; or to take or disturb any natural geological feature. This subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic; general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination; and photography. Minimum impact does not include removal of attached organisms from their environment; gathering of fishing bait; littering, collecting rocks and shells; or turning rocks or other acts destructive to the environment.

(C) The department director may appoint a director of the Dana Point State Marine Park.

1. The director of the Dana Point State Marine Park may issue a special collecting permit authorizing any person to enter the park for the purposes of scientific collecting under the conditions of a scientific collector's permit issued by the department.

(D) Notwithstanding subsections 632(b)(67)(A) or 632(b)(67)(B), the director of the Dana Point State Marine Park, or any person who has a scientific collector's permit from the department and to whom the director of the Dana Point State Marine Park has issued a special collecting permit may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department.

(E) This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point State Marine Park pursuant to federal law.

(71) Doheny State Marine Park. This area is bounded by the mean high tide line, a distance of 600 feet offshore, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;

33° 27.60' N. lat. 117° 41.38' W. long.;

33° 27.27' N. lat. 117° 40.28' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(72) Doheny State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1,500 feet offshore, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;

33° 27.45' N. lat. 117° 41.39' W. long.;

33° 27.15' N. lat. 117° 40.38' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(A) No recreational take of living or non-living marine resources is allowed except: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. Commercial take is allowed.

(73) Buena Vista Lagoon State Marine Park. This area consists of waters below the mean high tide line within the Buena Vista Lagoon Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational take of species other than kelp by hook and line from shore between the hours of 6:00 a.m. and 12:00 midnight.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(74) Agua Hedionda Lagoon State Marine Reserve. This area consists of waters below the mean high tide line within the Agua Hedionda Lagoon Ecological Reserve.

(A) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(75) Batiquitos Lagoon State Marine Park. This area consists of waters below the mean high tide line within the Batiquitos Lagoon Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(76) Encinitas State Marine Conservation Area. This area is bounded by the mean high tide line, as distance of 600 feet offshore, and the following points:

33° 02.74' N. lat. 117° 17.88' W. long.;

33° 02.70' N. lat. 117° 18.00' W. long.;

33° 01.98' N. lat. 117° 17.64' W. long.; and

33° 02.04' N. lat. 117° 17.54' W. long.

(A) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

(77) Cardiff-San Elijo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 3000 feet offshore, and the following points:

33° 02.04' N. lat. 117° 17.54' W. long.;

33° 01.75' N. lat. 117° 18.03' W. long.;

33° 00.60' N. lat. 117° 17.27' W. long.; and

33° 00.29' N. lat. 117° 16.73' W. long.

(A) No recreational take of living or non-living marine resources is allowed except: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. Commercial take is allowed.

(78) San Elijo Lagoon State Marine Park. This area consists of waters below the mean high tide line within the San Elijo Lagoon Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(C) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

(D) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

(79) San Dieguito Lagoon State Marine Park. This area consists of waters below the mean high tide line within the San Dieguito Lagoon Ecological Reserve.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore and the Grand Avenue bridge.

(B) Boating, swimming, wading, and diving are prohibited within the park.

(C) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall be permitted on the California least tern nesting island.

(D) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall enter this park between 8:00 p.m. and 5:00 a.m.

(E) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(F) Collections of fish, wildlife, water and soil may be made by the department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

(80) San Diego-Scripps State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and the following points:

32° 52.28' N. lat. 117° 15.16' W. long.;

32° 52.32' N. lat. 117° 15.34' W. long.;

32° 51.86' N. lat. 117° 15.48' W. long.; and

32° 51.86' N. lat. 117° 15.28' W. long.;

(A) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

(B) Licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

(81) La Jolla State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

32° 51.86' N. lat. 117° 15.28' W. long.;

32° 51.86' N. lat. 117° 16.25' W. long.;

32° 51.22' N. lat. 117° 16.17' W. long.; and

32° 51.07' N. lat. 117° 16.40' W. long.

(A) Take of all living marine resources is prohibited except commercial bait fishing for squid by use of hand-held scoop net west of a line drawn due north from Goldfish Point.

(B) Boats may be launched and retrieved only in designated areas and may be anchored within the conservation area only during daylight hours.

(82) Mia J. Tegner State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 150 feet offshore, and the following points:

32° 40.27' N. lat. 117° 14.73' W. long.;

32° 40.27' N. lat. 117° 14.76' W. long.;

32° 39.91' N. lat. 117° 14.42' W. long.; and

32° 39.94' N. lat. 117° 14.44' W. long.

(A) Take of all living marine resources is prohibited except the recreational take of finfish and the commercial take of finfish and marine aquatic plants.

#### **NOTE**

Authority cited: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, ~~and~~ 2860, 2861(c) and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

Reference: Sections 200, 202, 203.1, 205(c), 219, ~~and~~ 220, 1580, 1583, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

*Amend section 747 of Title 14 of the California Code of Regulations to read:*

#### **§747. Guidelines for Imposing Civil Penalties.**

(a) Purpose and Scope.



The provisions of this section shall be applicable for the purposes of imposing civil liability and civil penalties under Fish and Game Code sections 500 and 2580-2589 for violations described therein.

(b) Definitions.

Definitions in the Fish and Game Code and regulations adopted pursuant thereto shall apply to this section unless otherwise provided herein.

For purposes of this section, the following definitions shall apply:

(1) The term "act done for profit or personal gain" shall mean an act done for the purpose of improving or which results in an improved financial, material, possessory or other position for the person. To establish that an act was done for profit or personal gain, the department need not establish that the value or benefit received from the act exceeded the costs of accomplishing the act.

(2) "Code" is defined as the Fish and Game Code.

(3) "Regulations" are defined as Title 14, Division 1, California Code of Regulations.

(4) "Civil penalty" shall mean both civil liability for prohibited acts as outlined in Section 2582 of the Code and civil penalty for prohibited acts as outlined in Section 2583 of the Code.

(5) "Item" shall mean an animal or its carcass in its entirety, or if the carcass is no longer maintained in its entirety, any part or product thereof.

(c) Imposition of Civil Penalties.

(1) In determining the amount of the civil penalty to be proposed in the complaint pursuant to sections 2582 and 2583 of the Code, and in determining the final civil penalty to be imposed pursuant to sections 2582 and 2583 of the Code, the Director shall consider the same factors, penalties and considerations as set forth for use by the qualified referee or hearing board (see subdivision (B) of section 2584 of the Fish and Game Code).

(2) If a violator has been previously put in jeopardy for the same act or conduct for which an action for a civil penalty is brought, the penalty established by the qualified referee or hearing board shall bear a rational relationship to compensating the State for its loss and will not be based upon the penalty criteria set forth below. In determining the loss to the State, the qualified referee or hearing board shall consider, among other things, investigation and prosecution fees and costs and reasonable liquidated damages, in addition to the impact that the violation had upon the resources.

(3) If the violation involves birds, mammals, amphibians, reptiles, or fish with a value in the aggregate of less than four hundred dollars (\$400) and involves only the transporting, taking or receipt of fish or wildlife taken or possessed in violation of the Code, the civil penalty shall not exceed the maximum criminal fine provided by law for the violation in the Code or ten thousand dollars (\$10,000), whichever is less.

(4) Civil penalties shall be imposed on a per item basis unless:

(A) Any of the aggravating factors specified in subsection (c)(8) of this section are found by the qualified referee or hearing board to be present. If any of the aggravating factors are found, the qualified referee or hearing board can impose the penalties as set forth in that subsection;

(B) The qualified referee or hearing board determines that it is impracticable to use a per item basis. In this case, the qualified referee or hearing board can determine a reasonable unit of measure and may impose a penalty based on that, but in no case can the cost per unit exceed the maximum per item penalty set forth below; or

(C) A mitigating factor is found by the qualified referee or hearing board to be present.

(5) The qualified referee or hearing board shall use the following considerations in assessing civil penalties within the ranges set forth below:

(A) The gravity of the violation, imposing lesser penalties for acts which have little significant effect upon the resources, and greater penalties for acts which may cause serious injury to the resources;

(B) The particular nature, extent, and circumstances of the violation; and

(c) The characteristics of the violator, including the violator's assets and other resources so as to ascertain the appropriate penalty level to deter future violations. This assessment shall also include a review of the violator's degree of culpability and involvement in the activity.

(6) In setting the civil penalties for acts set forth in sections 2582 and 2583 of the Code, the qualified referee or hearing board will base the penalty upon the fair market value of the item(s) plus the amounts for the items listed below. If no fair market value exist for the item, the Department may use any generally accepted valuation methodology generally in use at the time plus the amounts listed below:

(A) Big game as defined in Section 350 of the Regulations: \$400 - \$15,000

(B) Resident small game as defined in Section 257 of the Regulations: \$ 50 - \$1,000

(C) Migratory game birds as defined in Section 3500 of the Code: \$ 50 - \$1,000

(D) Nongame birds as defined in Section 3800 of the Code: \$ 50 - \$500

(E) Furbearing mammals as defined in Section 4000 of the Code: \$ 50 - \$1,000

(F) Marine mammals as defined in Section 4500 of the Code: \$400 - \$10,000

(G) Nongame mammals as defined in Section 4150 of the Code: \$ 50 - \$1,000

(H) Threatened, endangered, fully protected, specially protected and rare insects and animals as defined in sections 3511, 4700, 4800 and 5515 of the Code and Section 670.5 of the Regulations: \$400 - \$10,000

(I) Threatened, endangered, or rare plants, as defined in Section 670.2 of the Regulations: \$400 - \$5,000

(J) Fish as defined in Section 45 of the Code: \$ .01 - \$1,000

(K) Reptiles: \$ 50 - \$1,000

(L) Wild animals as defined in Section 671 of the Regulations: \$400 - \$5,000

(7) In addition to the foregoing penalties, the qualified referee or hearing board may impose civil penalties for acts set forth in Code sections 2582(b) and 2582(c) and 2583 in the amounts as follows:

(A) Unlawfully exporting, importing, possessing, receiving, or transporting in interstate commerce any container or package that has not been marked, labeled, or tagged in accordance with the Code or Regulations and contains any bird, mammal, amphibian, reptile, or fish, or any endangered, rare, or threatened species, or any fully protected bird, mammal, amphibian, reptile or fish, or any part thereof, up to \$1,000.00 for each container or package. The penalty under this section cumulatively shall not exceed \$10,000.00 for acts or conduct taking place within a 24-hour period.

(B) Unlawful failure or refusal to maintain records or paperwork required by the Code or Regulations for the payment of taxes, fees, charges, or for export, import, possession, receipt or transport, up to \$1,000.00 for each individual bird, mammal, amphibian, reptile or fish, or any endangered, rare or threatened species, or any full protected bird, mammal, amphibian, reptile or fish or any part thereof. The penalty under this section cumulatively shall not exceed \$10,000.00 for acts or conduct taking place within a 24-hour period.

(8) If any one of the following aggravating factors is found by the qualified referee or hearing board to exist, the qualified referee or hearing board may, based on the totality of the circumstances surrounding the violation, impose a civil penalty of up to \$10,000 for each bird, mammal, amphibian, reptile, fish or endangered or threatened species, or fully protected bird, mammal or fish:

(A) The violator's conduct was, in the opinion of the qualified referee or hearing board, intentional or reckless;

(B) The violator, within the last five (5) years, has been subject to a criminal or civil penalty for violation of the Code or related codes, been a subject to civil damages, or had any license document, including but not limited to a permit, suspended or revoked. This subsection shall not apply when the previous criminal or civil penalty, civil damage, or license suspension or revocation resulted from acts or conduct which are the same as those for which the civil penalty is currently sought;

(C) The acts of the violator could have resulted or did result in serious injury to the resources of the state;

(D) The acts of the violator were part of an illegal business enterprise or a legal business enterprise conducted illegally; or

(E) The acts of the violator took place in a wildlife management area, legislative refuge, ecological reserve, state marine reserve, state marine park, state marine conservation area, national wildlife refuge, national marine sanctuary, an area of critical concern, within the boundaries of a federal or state park or recreational area, or on other public lands or water set aside for the express purpose of protecting wildlife, plants, or habitat.

(d) If the qualified referee or hearing board finds that the violation was committed incidental to commercial fishing or processing activities, then the she/he shall impose a civil penalty based on the following schedule.

(1) If the illegally taken species constitute less than five percent, wet weight, of the load or lot, the civil penalty shall be \$1,000.00, or the civil penalty listed in subsection (c)(6) above, whichever is less.

(2) If the illegally taken species constitutes five percent to ten percent, wet weight, of the load or lot, the civil penalty shall be \$2,000.00, or the civil penalty listed in subsection (c)(6) above, whichever is less.

(3) If the illegally taken species constitute more than ten percent, wet weight, of the load or lot, the civil penalty listed in subsection (c)(6) above shall be imposed.

#### NOTE

Authority cited: Sections 500 and 2589, Fish and Game Code. Reference: Sections 500 and 25